

SCRep. 621-70 Housing and Consumer Protection on S. C. R. No. 6

The purpose of this concurrent resolution is to request the Department of Housing and Urban Development to adopt rules and regulations which will set the price of disposition of federal lands to housing authorities at the original acquisition cost.

Your Committee finds that the recently enacted Section 414 of the Housing and Urban Development Act of 1969 authorizes the transfer of federal surplus land from the General Services Administration to the Department of Housing and Urban Development for disposition to housing authorities at "fair value" but not less than its original acquisition cost. "Fair value" has not been defined. The Department of Housing and Urban Development will adopt rules and regulations setting the price of disposition of surplus lands to the housing authorities. In almost all cases, the lowest price of disposition will be the original acquisition cost.

Your Committee on Housing and Consumer Protection is in accord with the intent and purpose of S. C. R. No. 6, S. D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 622-70 Housing and Consumer Protection on S. C. R. No. 45

The purpose of this concurrent resolution is to request developers, builders, realtors and other involved in the development, sale and rental of housing units in the State of Hawaii to cooperate in the construction of more housing units in the State by taking into consideration the total environmental and social needs of the community.

Your Committee finds that aforementioned persons involved in development, sale and rental of housing units in the State usually fail to take into consideration the total environmental and social needs of the community. Your Committee feels that said persons should strive to provide adequate recreational facilities, open space

and good designs as well as to eliminate ghetto areas by scattering low-income families throughout the community when constructing housing units in the State.

Your Committee on Housing and Consumer Protection is in accord with the intent and purpose of S. C. R. No. 45 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 623-70 Housing and Consumer Protection on S. C. R. No. 46

The purpose of this concurrent resolution is to request the Mayor and the City Council of the City and County of Honolulu to proceed immediately with implementation of the City administration's action program for housing.

Your Committee finds that the action program of the City administration appears reasonable and will provide greatly needed additional housing units in the State. Said program includes the development of high rise, high density dwelling units by utilizing air rights above the City's parking facilities in the central business district, permitting the construction of additional dwelling units on larger single family parcels, utilizing currently vacant, usable, urban residential lands in the Honolulu district, utilizing under-developed multi-family zoned properties more fully, developing high density housing in the corridor to be served by the planned mass transit system, and designating the urban renewal coordinator as Deputy Managing Director for Housing and Urban Development.

Your Committee on Housing and Consumer Protection is in accord with the intent and purpose of S. C. R. No. 46 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 624-70 Lands on S. B. No. 233

The purpose of this bill is to appropriate the sum of \$80,000, or so much thereof as may be necessary, to be expended by

the Department of Land and Natural Resources for the establishment of a uniformed State Park Ranger Corps. The Ranger Corps will be empowered to make arrests and issue citations, if necessary, in state parks, public beaches, conservation districts and private lands in the preservation of historic values and beauty, and for the protection of persons and properties in such areas, and to otherwise assist the public in their enjoyment of the areas. The rangers will work closely with police, game wardens and foresters.

At present your Committee finds that state parks near urban areas get some attention from the police, but parks in remote areas do not. Therefore, to insure that all residents of the state enjoy the pleasurable, educational and safe use of the state's recreational areas, it is the opinion of your Committee that the Ranger Corps should be established.

Your Committee is in accord with the intent and purpose of **S. B. No. 233, S. D. 1**, and recommends that it be referred to your Committee on Finance.

Signed by all members of the Committee except Representative Heen.

SCRep. 625-70 Housing and Consumer Protection on S. B. No. 1977-70

The purpose of this bill is to establish a uniform policy for the fair and equitable treatment of persons and organizations displaced by the acquisition of real property by governmental agencies and public utilities for public purposes.

Progress is necessary and necessarily disruptive of the lives of those who lie in its path. However, our concept of the quality of life should include compassion for those whom government uproots in its attempts to improve the quality of life for the majority.

At the present time, provisions for relocation assistance in this jurisdiction are not at all uniform. Your Committee has been advised, for example, that aside from federally-funded programs, neither the State nor the counties provide relocation

assistance to persons and organizations displaced by public programs. This lack of assistance where dislocation results from State or county projects not only work hardships on those displaced but is highly inequitable. This bill would cure such inequity and at the same time establish a uniform relocation policy for persons and businesses displaced by State or county programs.

The Senate Committee on Ways and Means to which **S. B. No. 1977-70, S. D. 1**, was referred, amended Section 2 of the bill by deleting public utilities from the definition of a State agency, thus removing public utilities from the application of the bill. Section 12 of **S. D. 2**, however, entitled "Appeals" still contains a reference to public utilities, which appears to be inadvertently left in the amended version of the bill.

Your Committee has amended Section 12 of **S. B. No. 1977-70, S. D. 2**, by deleting the reference to public utilities, thus making this section consistent with the other sections of the bill.

Your Committee is in accord with the intent and purpose of **S. B. No. 1977-70, S. D. 2, H. D. 1**, as amended herein, and recommends its referral to your Committee on Finance.

Signed by all members of the Committee except Representatives Kunimura, Morioka, R. Wong and Fong.

SCRep. 626-70 Housing and Consumer Protection on S. B. No. 1153-70

The purpose of this bill is to provide means of studying and experimenting with housing projects with the objective of reducing unnecessary costs in housing construction. By allowing experimental and demonstration housing projects which need not comply with existing codes and regulations, it is hoped that new ideas of reducing housing costs will be developed.

Your Committee is in accord with the intent and purpose of **S. B. No. 1153-70, S. D. 3** and recommends that it be referred to your Committee on Lands for further consideration.

Signed by all members of the Committee except Representatives Kunimura, Morioka, R. Wong and Fong.

SCRep. 627-70 Housing and Consumer Protection on **S. B. No. 1474-70**

The purpose of this bill is to give the department of transportation funds to implement its program of testing and evaluating new materials.

This bill is recommended by the governor's advisory committee on housing. Testimony indicated that the \$36,000 would be adequate to expand the staff of the current program.

It is the intent of your Committee that the department of transportation will fully cooperate with all state and county agencies and will aid private industry in studying and developing new techniques and materials to lower costs and to improve our quality of life.

Your Committee is in accord with the intent and purpose of **S. B. No. 1474-70, S. D. 1**, and recommends that it be referred to your Committee on Finance for further consideration.

Signed by all members of the Committee except Representatives Kunimura, Morioka, R. Wong and Fong.

SCRep. 628-70 Public Health, Youth and General Welfare on **H. C. R. No. 109**

The purpose of this Resolution is to request the Department of Health to allow the City and County of Honolulu to continue using Maluhia Hospital for ambulance and first aid services.

Under Act 265, Session Laws of Hawaii, 1969, the State took over the operation of public hospitals and other public health and medical facilities heretofore performed by the counties. This Act also reassigned ambulance and first aid services to counties with a population of 200,000 or more. Thus, pursuant to this Act, the State took over the operation and maintenance of Maluhia Hospital and planned to evict the City Emergency Health Unit and the

City's Health Services Headquarters from the hospital grounds.

The City then decided to move its Health Services Headquarters from Maluhia to the Kalihi-uka Police Station. In order to give the City time to renovate the substation as a joint-use facility for the Health and Police functions, the City requested and obtained permission from the State to retain its facilities at Maluhia until August 1, 1970.

Then the City realized that it had made a mistake in assigning its Health Department to Kalihi-Uka. If Health had been assigned to Kalihi-Uka, it would have meant that Kalihi-Uka could no longer be used as a driver licensing office, and an estimated 30,000 drivers would have to be diverted to the Pawaa Annex of the Police Station and other branches for licensing. This would mean more traffic would be generated at Pawaa. Faced with this problem, the City decided to reassign the Driver Licensing Division of the Police Department to Kalihi-Uka and to relocate its Health Department to Pawaa.

Although there was no intention on the part of the City to close down the existing police functions at Kalihi-Uka to make way for the driver licensing operation, there was a belief on the part of some residents of Kalihi that this was the case. What led to this confusion were discussions by the police of phasing out the police functions at Kalihi-Uka because it felt that the five men assigned to Kalihi-Uka would provide the people of Kalihi better protection if they were assigned to patrol beats rather than behind the desk at Kalihi-Uka.

In view of pressure from the Kalihi residents, the City has decided that the Driver Licensing Division need not be moved to Kalihi-Uka if the State allows the City Ambulance Service to remain at Maluhia. At a meeting of the Kalihi Valley Community Association, Police Chief Francis A. Keala stated that if the State will permit the City Ambulance Service to remain at Maluhia, he will allow the Kalihi-Uka police substation to stay open.

Since the interests of the City, the Kalihi

residents and the general public would be served by allowing the City Ambulance Service to remain at Maluhia, your Committee is wholeheartedly in support of this Resolution.

Your Committee is in accord with the intent and purpose of **H. C. R. No. 109** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 629-70 Government Efficiency and Public Employment on **S. B. No. 1608-70**

The purpose of this bill is to update and simplify certain provisions of the law pertaining to public officers and employees as contained in Title 7, Hawaii Revised Statutes. More specifically, this bill makes substantive changes in the compensation law, the retirement system law, the law pertaining to the health fund, the law regulating hours of work, and the general provisions of public service.

The bill, in essence, is an omnibus public employment bill which calls for an appropriation of \$2.75 million. **S. B. No. 1608-70, S. D. 1** contains sundry sections, each one of which are also incorporated into distinct measures introduced severally in both Houses of the Legislature and which have been referred to your Committee, such measures varying in position along the course of legislation. Your Committee has referred out several House bills and Senate bills containing provisions which are included in this omnibus bill. Further, there are several Senate bills possessing provisions similar to those in the omnibus bill which have been recently referred to your Committee and are presently under consideration. It is the feeling of your Committee that, appropriately, it is in the realm of the Committee on Finance to have priority consideration in studying the ramifications of the bill since a critical factor in the implementation of the intent of the bill is the amount of appropriation sought.

Your Committee is in accord with the intent and purpose of **S. B. No. 1608-70, S. D. 1** and recommends its referral to the

Committee on Finance for further consideration.

Signed by all members of the Committee except Representatives Devereux, Meyer and Oda.

SCRep. 630-70 Government Efficiency and Public Employment on **S. B. No. 1867-70**

The purpose of this bill is to permit government employees who had left government service to enter the merchant marine during the years 1941-1945 and who subsequently returned to government employment to purchase retirement credits for those years.

Under existing law only those employees who served in the military service of the United States during the period 1941-1945 qualify for retirement credits. The words "military service of the United States" were interpreted by the State Attorney General to exclude service in the merchant marine.

Your Committee feels that Territory or county employees who served in the merchant marine during the period 1941-1945 should be accorded the same privileges as those employees who served in the military service during the same period. Service in the merchant marine during the period was just as hazardous as any other military service.

Your Committee agrees with the provision of the bill which would allow the purchase of credit for any and all service by a member in the armed forces which has not been credited to the member under the provisions of any of the other subdivisions under Section 88-51, HRS. Your Committee further agrees with (1) the limitation to purchasing one year of membership service for each five years of employment with the State or county, and with (2) the limitation of the maximum credit allowed to be purchased to four years.

Your Committee is in accord with the intent and purpose of **S. B. No. 1867-70, S. D. 1** and recommends its referral to the Committee on Finance for further consideration.

Signed by all members of the Committee except Representatives R. Wong, Devereux, Meyer and Oda.

SCRep. 631-70 Government Efficiency and Public Employment on **S. B. No. 1827-70**

The purpose of this bill is to eliminate the provision of the retirement law providing that any benefit paid by the State or county under the provisions of the Workman's Compensation Law on account of disability or death shall be offset against any pension of the System on account of the same disability or death. This amendment would allow the beneficiary to receive the pension and the Workmen's Compensation benefits concurrently, rather than waiting until Workman's Compensation payments have been exhausted in order to receive the full pension payment.

Your Committee is in accord with the intent and purpose of **S. B. No. 1827-70** and recommends its referral to the Committee on Finance for further consideration.

Signed by all members of the Committee except Representatives Devereux, Meyer and Oda.

SCRep. 632-70 Government Efficiency and Public Employment on **S. B. No. 1746-70**

The purpose of this bill is to provide workmen's compensation disability and death benefits to volunteer reserve police officers and their dependents for injuries or deaths resulting from the performance of their police duties.

Under existing law volunteer reserve police officers or their dependents are not entitled to workmen's compensation disability benefits or death benefits. The reserve police officer, who is voluntarily performing police services, is inevitably exposed to some risk. Under present workmen's compensation law the only benefits afforded a volunteer is his reasonable hospital and medical expenses. Your Committee finds that this bill would correct this inequity by providing disability and death

benefits to volunteer reserve police officers and their dependents.

Your Committee also recognizes that workmen's compensation disability benefits and death benefits should likewise be extended to volunteer firemen who provide voluntary services in fire protection and rescue work. The volunteer fireman in the performance of his volunteer services is exposed to risks similar to those encountered by reserve police officers.

Your Committee is in accord with the intent and purpose of **S. B. No. 1746-70, S. D. 2**, and recommends its referral to the Committee on Finance for further consideration.

Signed by all members of the Committee except Representatives R. Wong, Devereux, Meyer and Oda.

SCRep. 633-70 Government Efficiency and Public Employment on **S. B. No. 855**

The purpose of this bill is to clarify the existing law relating to leaves for public employees summoned as witnesses or jurors by adding a new sentence which specifically prohibits employees from receiving paid leave when they appear as witnesses in judicial proceedings involving or arising from their outside employment or personal business affairs.

The existing law makes no distinction in granting leaves of absence with pay to employees of the State or its political subdivisions who are summoned as witnesses. Employees who are summoned as witnesses in cases relating to their outside employment or personal business affairs may receive leave of absence with pay for the period required for such service.

Your Committee feels that personal business or affairs should not be conducted on government time or public expense. Employees who are required to appear as witnesses in judicial proceedings involving their outside employment or personal affairs can utilize their accumulated annual leave credits for such appearances.

Your Committee is in accord with the

intent and purpose of **S. B. No. 855, S. D. 1** and recommends its referral to the Committee on Finance for further consideration.

Signed by all members of the Committee except Representatives Devereux, Meyer and Oda.

SCRep. 634-70 Government Efficiency and Public Employment on **S. B. No. 174**

The purpose of this bill is to establish a permanent state commission and county committees on the status of women to develop long-range goals, and to coordinate research planning, programming and action on the opportunities, needs, problems, and contributions of women in Hawaii in education, homemaking, civil and legal rights, labor and employment, and expanded community horizons.

Your Committee feels that the status of women in modern society needs comprehensive continuing study. The Governor's Commission on the Status of Women in 1966 has established a framework from which this permanent commission can increase the awareness of women's responsibilities and opportunities and the importance of their roles in our rapidly changing society.

Your Committee is in accord with the intent and purpose of **S. B. No. 174, S. D. 2** and recommends its referral to the Committee on Finance for further consideration.

Signed by all members of the Committee except Representatives R. Wong, Devereux, Meyer and Oda.

SCRep. 635-70 Labor and Employment Problems on **S. B. No. 1283-70**

The purpose of this bill is to amend several sections of Chapter 202, Hawaii Revised Statutes, which covers manpower and full employment and to appropriate funds to implement the proposed changes in the law. The bill implements some of the recommendations on manpower made by the Joint House-Senate Interim Committee on Labor established pursuant to

H. C. R. No. 101, 1969 Session, to study the state's manpower needs. In **Special Committee Report No. 7**, dated March 2, 1970, said Joint House-Senate Committee made a general recommendation that "the commission on manpower and full employment be responsible for the overall planning, review and allocation of federal manpower funds; and provide the assistance, liaison, information, innovating, suggestions, monitoring, coordination and evaluation of the various manpower programs operating in the State".

Your Committee agrees with the finding made by the Joint House-Senate Committee established pursuant to **H. C. R. No. 101**, 1969 Session, "that there is a critical need to broaden the Commission's responsibilities, particularly the concernment of the State's human resources that compose the current and potential work force". Your Committee is of the opinion that if the commission is to be made "responsible for the overall planning, review and allocation of federal manpower funds" and is to "provide the assistance, liaison, information, innovating suggestions, monitoring, coordination and evaluation of the various manpower programs operating in the State" as recommended by the joint committee, changes in the composition and duties of the commission are in order.

Your Committee is of the opinion that the law should be amended to provide a large commission composed of up to 18 members and the membership requirements of this enlarged commission should parallel the membership requirements for the state advisory council on vocational education required by the Federal Vocational Act of 1963, as amended by P. L. 90-576. This will make possible the designation of the manpower commission as the advisory council on vocational education and allow it to fulfill its broadened responsibilities in the area of vocational education.

Your Committee is also of the opinion that the law should be amended by creating another new function for the commission. The commission should be specifically designated the "responsible body for planning, reviewing and valuating all state

and federal manpower programs” and should be allowed to “make recommendations for the allocation of funds” relating to manpower programs.

Your Committee also feels that the commission should be permitted to appoint professional and technical personnel who would be exempted from civil service requirements. The expanded responsibilities of the commission will require it to engage the services of highly trained professional and technical personnel who would be difficult to recruit through normal civil service procedures.

Your Committee is of the opinion that the commission’s function of advising the department of labor and industrial relations and the department of education should be deleted from Section 202-5. The departments, under Section 202-6, are supposed to advise the commission rather than receive advice from it.

Section 202-6 should be amended to meet the technicalities related to positional changes in the community college and the University of Hawaii. Rather than the head of community college services, the representatives from the University should be the president of the University or his designated representative. It is expected that the person who heads the community college system will be the president’s designated representative.

Your Committee agrees that the appropriation of \$90,000 for additional staffing and \$30,000 for the transfer of the secretariat and staff of C.A.M.P.S. is necessary to implement the proposals contained in this bill.

Your Committee is in accord with the intent and purpose of the bill and recommends that it be referred to your Committee on Finance for further consideration.

Signed by all members of the Committee except Representatives Kawakami, Lee, Aduja and Lum.

SCRep. 636-70 Government Efficiency and Public Employment on **S. B. No. 1792-70**

The purpose of this bill is to assure members of the employee retirement system that if they continue in service after attaining their maximum retirement allowance level, and die while in service, their beneficiaries will not be prejudiced by their failure to retire.

Your Committee finds that it is unfair to penalize an employee for staying in service after maximum retirement benefits have been reached but prior to reaching mandatory retirement by subjecting his beneficiaries to loss of benefits if he should die in service.

Your Committee is in accord with the intent and purpose of **S. B. No. 1792-70, S. D. 2** and recommends its referral to the Committee on Finance for further consideration.

Signed by all members of the Committee except Representatives Baptiste and Kondo.

SCRep. 637-70 Labor and Employment Problems on **S. B. No. 1417-70**

The purpose of this bill is to amend the Hawaii Workmen’s Compensation by increasing the maximum compensation benefits payable to an injured worker for disfigurement from the present \$10,000 to \$15,000.

A serious disfigurement would probably have an adverse effect on an injured worker’s future wage-earning ability. The present limit of \$10,000 for disfigurement would not adequately indemnify a person who is so severely scarred and disfigured that his ability to secure a job is seriously affected. An increase in the present maximum therefore appears in order.

The department of labor and industrial relations has informed your Committee that the probable increase in costs occasioned by the increase would be minimal. This conclusion was based on the small number of cases where the disfigurement has been considered serious enough to warrant a maximum award. In 1968, for example, no one was awarded the maximum sum and in 1969 only two persons

were awarded the maximum compensation.

Your Committee has converted the form of the bill in compliance with House Rule 24(2).

Your Committee is in accord with the intent and purpose of the bill and recommends that it be referred to your Committee on Finance for further consideration in the form attached hereto as **S. B. No. 1417-70, H. D. 1.**

Signed by all members of the Committee except Representatives Kawakami, Lee, Aduja and Lum.

SCRep. 638-70 Labor and Employment Problems on S. B. No. 266

The purpose of this bill is to amend existing provisions of the Workmen's Compensation Law regarding attorney's fees and costs and expenses where the injured employee or his employer has asserted a third party claim. The bill provides that if the third party action is brought by the employer alone, the employer is entitled to be paid from any proceeds thereof, whether by way of settlement or judgment, his litigation expenses, and a reasonable attorney's fee based on services rendered both the employer and employee; thereafter from the proceeds the employer shall reimburse himself for compensation benefits paid out and pay over any excess to the employee.

If the third party action is brought by the employee alone, the employee is entitled to be paid from any proceeds, by way of settlement or judgment, his litigation expenses and a reasonable attorney's fee based on services rendered both the employee and employer; thereafter the employer has a lien upon the proceeds for reimbursement of compensation benefits paid out by the employer. The excess of the proceeds, of course, would go to the employee.

If the action is brought both by the employee and the employer, whether in single or consolidated actions, then from any proceeds, by way of settlement or

judgment, both the employee and employer are entitled to litigation expenses and reasonable attorney's fees based on services rendered both parties where they are represented by the same attorney, or based on services rendered each party where they are represented by separate attorneys. After payment thereof from the proceeds there shall be applied an amount sufficient to reimburse the employer for compensation benefits paid out by him, and the excess shall be paid over to the employee.

In the event the parties cannot agree upon the amount of reasonable litigation expenses and attorney's fees, then the same shall be fixed by the court.

Under existing law, there is provision only for payment of litigation costs and attorney's fees, whether the third party suit is brought by the employer, the employee, or both, only after judgment. This is the result of the enactment by the legislature in 1967 of only a limited portion of the California Labor Code covering third party claims and attorneys' fees. A thorough discussion of this inadequacy in the Hawaii Workmen's Compensation Law is found in **Berkness v. Hawaii Electric Co.**, No. 4736, Hawaii Supreme Court. Consequently where a claim is settled, whether suit is filed or not, the provisions of existing law concerning attorney's fees and costs and then charging the employee only with the net proceeds received by him, rather than the gross proceeds, are not applicable. As a matter of practice most third party claims are settled before judgment.

Your Committee agrees that the Workmen's Compensation Law should be amended to correct the deficiency noted by the Supreme Court in the **Berkness** case on the payment of attorney's fees. It further concurs that it would be fair to permit an injured employee to receive compensation again after the exhaustion of the net proceeds from a third party settlement or judgment, rather than after the exhaustion of the gross proceeds. Your Committee also agrees that it would be equitable that where the employer effectuates a third party recovery he should be able to deduct his costs and attorney's fees, as well as

his compensation outlays, from the proceeds before he turns the excess over to the employee; that where the employee effectuates a third party recovery he should be able to first deduct his costs and attorney's fees before he pays over the employer's reimbursement for his compensation outlays over to him, and that the employer should reasonably share in the costs and attorney's fees; and that where both employee and employer effectuate the recovery their costs and attorney's fees should be a first charge on the proceeds before distribution respectively to the employer and employee.

Your Committee on Labor and Employment Problems is in accord with the intent and purpose of the bill and recommends its referral to your Committee on Judiciary for further consideration.

Signed by all members of the Committee except Representatives Kawakami, Lee, Aduja, Judd and Lum.

SCRep. 639-70 Housing and Consumer Protection on S. B. No. 1327-70

The purpose of this bill is to provide for a comprehensive attack upon the housing crisis in the State of Hawaii. The approach of this bill as explained in **SENATE STAND. COM. REP. NO. 448-70**, is to broaden the powers and functions of the Hawaii Housing Authority in the administration and development of low and middle income housing projects. Your Committee finds that any approach to the solution of the housing crisis in the State of Hawaii must be broadly based and taken into account all of the inter-related, physical environmental and social aspects of housing. Therefore, your Committee has amended this bill in its entirety by substituting therefore, the contents of **H. B. No. 397, H. D. 1**.

This bill as amended herein creates a Department of Housing and community development which will assume the responsibility for mobilizing the many resources of this State to meet the rapidly growing need for housing and community development in Hawaii. This department would coordinate all existing State pro-

grams and be responsible for developing innovative programs affecting the physical, environmental and social aspects of housing. Your Committee contemplates the eventual inclusion of divisions within the department as follows: property management (Hawaii Housing Authority), finance, development, research and planning, and environmental control.

Your Committee has amended Section 5 of the bill as amended herein to empower the newly created department to exchange public lands for private lands in the State for the purpose of the Act. In the case of the exchange of public lands for private lands which are presently classified for intensive agricultural use, the amended Section 5 provides that the department is to determine the agricultural productivity of the private lands, and wherever and whenever possible exchange so much State lands as shall be sufficient to approximate or equal the productivity of the private lands so acquired by the State.

Your Committee has further amended the bill as amended herein by adding thereto a section amending Chapter 356, which is the vehicle under which the Hawaii Housing Authority constructed low cost housing units financed by bonds guaranteed by federal government to provide that the authority may issue bonds during the twelve months immediately following the date of approval of this Act bearing an interest rate not exceeding eight percent per year. Under present law such bonds cannot bear interest in excess of six percent per year. The United States Housing Act of 1937 and title I of the Federal Housing Act of 1949 as amended, requires that loans made by State or local agencies pursuant to the guarantee provisions of these statutes must bear interest at not less than the applicable going federal rate. The secretary of Health Education and Welfare has established the present applicable going federal rate at 6¾ percent, therefore, this amendment is necessary to enable the Hawaii Housing Authority to undertake construction of low cost housing units financed by federal guaranteed bonds.

Your Committee has further amended the bill by adding thereto a new section

amending Chapter 359 Hawaii Revised Statutes, by adding thereto a new section empowering the authority during the twelve months following the date of approval of this Act to issue bonds bearing interest at a rate not exceeding eight percent a year. Chapter 359 is the vehicle used by the authority to issue bonds on its own credit. This amendment is necessary because such bonds are presently unsalable under the six percent interest limitation of Chapter 359.

Your Committee is in accord with the intent and purpose of **S. B. No. 1327-70, S. D. 1**, as amended herein and recommends that it be referred to your Committee on Finance in the form attached hereto as **S. B. No. 1327-70, S. D. 1, H. D. 1**.

Signed by all members of the Committee except Representatives Fong and Oda.

SCRep. 640-70 Printing and Revisions:

Informing the House that **Standing Committee Report Nos. 608-70 to 639-70, House Resolution Nos. 324 to 330, House Concurrent Resolution No. 112** and **Standing Committee Report Nos. 641-70 to 662-70** have been printed and distributed.

Signed by all members of the Committee.

SCRep. 641-70 Select Committee of Oahu Representatives on **H. R. No. 289**

The purpose of this resolution is as reflected in its title.

Your Committee finds that there is presently a pedestrian overpass on the H-1 freeway located adjacent to the Alvah E. Scott elementary school in Aiea, Oahu. This commuting overpass will be used very imminently by these students of elementary school age when the final phase of construction is completed.

Your Committee also finds that the present wire railing reaches a height of only forty-two inches. Appreciating the propensities of children of tender years to do the obvious, namely, climbing over such fence, and also recognizing that such

accessible height by these youngsters may well serve as an attractive nuisance to the possible liability of the State, your Committee concludes that remedial construction is necessary in this instance.

In discussing this problem with Alvah E. Scott elementary school parents-teachers organization, it was concluded that an over-all height of sixty (60) inches would be most desirable in order to achieve the degree of safety for these youngsters, and thereby subserve the best interest of the public.

Your Committee is not unmindful that there is involved the question of aesthetics. However, in weighing aesthetics as against the potential dangers to these youngsters, your Committee is inclined to favor the latter.

Because of the immediate potential hazards involved, your Committee further concludes that such remedial construction be accomplished with maximum dispatch by the department of transportation.

Your Committee is in accord with the intent and purpose of **H. R. No. 289**, and accordingly recommends its adoption.

Signed by all members of the Committee.

SCRep. 642-70 Select Committee of Oahu Representatives on **H. R. No. 137**

The purpose of this Resolution is to request the United States Soil Conservation Service to undertake a study of Aiea Stream above Moanalua Road for the purpose of flood control. Your Committee finds that flooding from Aiea Stream has caused the people in the area and the taxpayers of the State a significant amount in property damage and interruption of transportation and communication. The legislature in 1969 appropriated \$300,000 to the City and County of Honolulu to supplement federal and county funds for construction of a reinforced concrete channel from Pearl Harbor to Moanalua Road for the purpose of flood control of Aiea Stream. However, the portion of Aiea Stream above Moanalua Road was not

included in the project. It is necessary, at this time, in order to safeguard residents in the area against loss of life and property to institute a flood control project for Aiea Stream above Moanalua Road. The technical assistance of the United States Soil Conservation Service is necessary to accomplish this flood control project.

Your Committee is in accord with the intent and purpose of **H. R. No. 137** and recommends that it be adopted.

Signed by all members of the Committee.

SCRep. 643-70 Select Committee of Oahu Representatives on **H. R. No. 304**

The purpose of **H. R. No. 304** is to request the Department of Accounting and General Services to contract with the Central Relocation Office of the Honolulu Redevelopment Agency to handle the relocation, the relocation expenses, and suitable housing for Halawa residents should the State become responsible for the planning and construction of a stadium at Halawa. The Resolution also requests the Central Relocation Office to handle such relocation problems if the City and County assumes responsibility for the stadium project.

Your Committee finds that the residents of Halawa who may be affected by the building of a stadium are apprehensive and anxious concerning relocation problems which they may have to face. These problems of relocation are particularly serious in view of the desperate shortage of decent housing within the City and County of Honolulu.

Your Committee further finds that there has been little success in the past in establishing communication between State and City and County officials and these residents. This Resolution will focus interest and concern on the welfare of these families.

Your Committee is in accord with the intent and purpose of **H. R. No. 304** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 644-70 Public Utilities on **H. R. No. 313**

The purpose of **H. R. No. 313** is to request the Public Utilities Commission and the Joint Pole Committee to use the full powers of their offices to remove unsightly and hazardous telephone poles left on streets after street widening projects.

Your Committee finds that after street widening projects telephone poles are often left standing for months on end. These poles constitute a serious traffic hazard to motorists who must swerve around them. Further, they are unsightly — being big, brown and ugly. The Joint Pole Committee and the Public Utilities Commission should make every effort to remove these unsightly and hazardous objects as soon as possible.

Your Committee is in accord with the intent and purpose of **H. R. No. 313** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 645-70 Public Institutions and Social Services on **H. R. No. 309**

The purpose of **H. R. No. 309** is to request the Speaker to appoint an Interim Committee to study and evaluate the report of the National Federation of the Blind of programs for the blind in Hawaii. The Committee is also requested to recommend appropriate legislation in this area during the Regular Session of 1971.

Your Committee is cognizant of the fact that **House Resolution No. 258**, Regular Session of 1969, requested the National Federation of the Blind to conduct a study of programs for the blind in Hawaii. The Federation has presented the results of its study to the Legislature and has made several recommendations for legislation.

Your Committee finds that the Federation's report should be given further

consideration by the Legislature prior to the consideration of its recommendations. The Interim Committee requested by this Resolution would accomplish such further consideration.

Your Committee is in accord with the intent and purpose of **H. R. No. 309** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 646-70 Labor and Employment Problems on H. R. No. 311

The purpose of this resolution is to request the department of labor and industrial relations to submit a comprehensive report on the implementation of the Temporary Disability Insurance law during the 1970 calendar year.

Your Committee agrees that the Temporary Disability Insurance Law which was enacted in 1969 and became effective on January 1, 1970, is the most far-reaching and significant new social welfare legislation enacted in the last thirty years. Since only three months have elapsed since the program has been in operation, there is a paucity of information concerning its implementation. Your Committee is aware, however, that the T. D. I. program like all other new and ambitious programs has encountered and will encounter numerous problems, mostly procedural in nature.

Your Committee is of the opinion that a comprehensive study of the program's implementation will be of great aid to the legislature in its review of this new program.

Your Committee is in accord with the purpose of this resolution and recommends its adoption.

Signed by all members of the Committee except Representative Aduja.

SCRep. 647-70 Public Institutions and Social Services on H. C. R. No. 110

The purpose of **H. C. R. No. 110** is to endorse the concepts contained in S. 3433,

the National Basic Income and Incentive Act, which is under consideration in the Congress of the United States.

The National Basic Income and Incentive Act proposes sweeping revisions of welfare assistance throughout the United States. The Act is intended to: (1) federalize over a 3-year period the present archaic, unworkable, and inhumane welfare system; (2) replace it with a Federal income maintenance system; (3) grant immediate financial relief to the States by permitting them to keep more of their own money; (4) provide every child in the Nation with a minimum standard of life to give them a chance to break out of poverty and become whatever his abilities and ambitions permit; and (5) help hold families together. Your Committee finds that the proposed Act will create incentives in contrast to the present welfare system, which destroys incentive and initiative and has degrading and dehumanizing tendencies.

This Concurrent Resolution supports the motivation concepts contained in the proposed Act, and commends its introducer, Senator Harris of Oklahoma, and his colleagues for their work in producing the bill. It further encourages Senator Harris and the members of the Hawaii Congressional Delegation to continue their efforts toward enactment of S. 3433 or a measure similar to it.

Your Committee is in accord with the intent and purpose of **H. C. R. No. 110** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 648-70 Public Institutions and Social Services on H. C. R. No. 103

The purpose of **H. C. R. No. 103** is to request the Governor to appoint an ad hoc Commission of community representatives to study and make recommendations as to changes necessary in welfare assistance standards. The Resolution further requests the Department of Social Services to cooperate with the Commission. Also, the Commission is requested

to report on the progress of its study to the Legislature at least 15 days prior to the convening of the Regular Session of 1971.

Your Committee finds that current welfare assistance standards are probably considerably below the "lower standard" of what it costs an individual or family to live in Honolulu. Your Committee further finds that the last major study to determine what is required to maintain a minimum standard of living was completed in 1949 and is wholly outdated. This Concurrent Resolution requests the Governor to establish the machinery for a study of assistance standards and for making recommendations as to the improvement of such standards.

Your Committee is in accord with the intent and purpose of **H. C. R. No. 103** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 649-70 Public Health, Youth and General Welfare on **S. B. No. 1991-70**

The purpose of this bill is to amend certain requirements concerning the qualifications of applicants for licenses to practice medicine or surgery in the State.

Subparagraph 4(B) of Sec. 453-4, Hawaii Revised Statutes, relating to licensure of physicians who have practiced in other states or the U.S. Army or Navy or Public Health Service for seven out of eleven years, is not in keeping with the other requirements for licensure and the Board of Medical Examiners has not granted a license on this basis since 1962. This bill would eliminate this requirement.

In addition, the bill recognizes one year approved residency training as an alternative to the one year of approved internship. The Board of Medical Examiners feels that many internship programs may be deleted in favor of residency training in the various specialties. This is already in effect in the area of psychiatry.

This bill also deletes the requirement of

a visit to a State institution devoted to the care of leprosy patients. The Board of Medical Examiners has assured your Committee that it will incorporate into its rules and regulations that applicants for licensure are advised to familiarize themselves with the general clinical manifestations of leprosy and a few questions in this regard will be included in the licensing examination. Applicants will also be advised to visit the established leprosy treatment center on Oahu.

This bill also includes the provision that the Federation Licensing Examination (FLEX) may be used to determine the competence of the applicants. This examination is much broader in scope than the one currently in use in Hawaii.

Your Committee has made a technical amendment to this bill: on line 5, page 3, your Committee has corrected the word "Diplomats" to read "Diplomates."

Your Committee is in accord with the intent and purpose of **S. B. No. 1991-70, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1991-70, S. D. 1, H. D. 1**.

Signed by all members of the Committee.

SCRep. 650-70 Housing and Consumer Protection on **S. B. No. 1670-70**

The purpose of this bill is to amend the Hawaii insurance law to specifically provide for maximum amounts of credit life insurance covering educational loans.

Under existing law the initial amount of credit insurance cannot exceed the greater of the total amount of the debt or in the case of equal installment loans the insurance cannot exceed the "scheduled or actual amount of unpaid indebtedness." Thus, no provision is made under existing law for loan commitments designed for educational purposes.

Your Committee finds that in the case of an education loan the creditor makes a commitment to loan the total amount but

the amounts paid out to the debtor are usually on a semester basis for four years or whenever the educational expenses become due. Accordingly, the bill will specifically provide that the commitment of an educational loan may be treated or recognized as indebtedness for purposes of credit life insurance coverage which in turn insures the financial support of the student in the event of the premature death of his or her parent.

Your Committee on Housing and Consumer Protection is in accord with the intent and purpose of **S. B. No. 1670-70** and recommends that it pass third reading.

Signed by all members of the Committee.

SCRep. 651-70 Finance on **S. B. No. 1239-70**

The purpose of this bill is to allow the State Department of Agriculture to compensate hog farmers under the Hog Cholera Eradication Program in an amount equal to that paid by the Federal government.

The Hog Cholera Eradication Program is a cooperative State-Federal program designed to control and eventually eradicate a highly infectious and potentially disastrous disease affecting the hog industry throughout the nation. The program recognizes slaughtering those animals infected with or exposed to hog cholera as the best method of stopping the spread of the disease. The program further provides for compensation in the form of indemnity payments to the owners of hogs required to be destroyed. Such payments provide a form of insurance to hog producers against losses under this program. Thus far, no losses or subsequent indemnity payments have been required in the State.

Section 142-23.1, Hawaii Revised Statutes, limits the maximum amount authorized to be paid by the State in indemnity payments to \$40 for grade animals and \$50 for purebred swine. This amendment will permit the State to pay up to "the maximum amount authorized to be paid

for such swine by the Federal government", rather than being dependent upon an amount set by statute. This amendment provides sufficient flexibility so that similar amendments would not be necessary should the Federal government again adopt changes to the indemnity payment schedule.

Your Committee has amended this bill by replacing the parenthesis on line 12 and 13 with brackets to indicate deletion of statutory matter.

Your Committee on Finance is in accord with the intent and purpose of **S. B. No. 1239-70**, **S. D. 2**, **H. D. 1**, as amended herein, and recommends the bill pass third reading in the form attached hereto as **S. B. No. 1239-70**, **S. D. 2**, **H. D. 2**.

Signed by all members of the Committee.

SCRep. 652-70 Finance on **S. B. No. 1194-70**

The purpose of this bill is to relieve the Department of Accounting and General Services of the statutory duty to "perform the function of data processing". The responsibility will therefore not be placed on any department by law but will be determined by executive choice and legislative funding.

Your Committee on Finance is in accord with the intent and purpose of **S. B. No. 1194-70** and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 653-70 Finance on **S. B. No. 136**

The purposes of this bill are (1) to amend the existing law relating to the date when a tax lien is to be attached on real property; and (2) to bring the period for the continuation of the property tax lien on land registered in the Land Court to the same length of time (six years) as the lien on other property.

"Tax year" was amended by Act 255,

Session Laws of Hawaii, 1967, to mean the fiscal year beginning July 1 of each calendar year and ending June 30 of the following calendar year. The Act also amended the section relating to the schedule for payment dates.

Your Committee finds that with regard to the period of a lien upon assessed property, there appears to be no reason why there should be a distinction between land that is registered in the Land Court and land that is not. The Department of Taxation can find no justification for this discrimination. Extending the lien period from three to six years for liens on land registered in the Land Court will give the tax collector more time to enforce the collection of real property taxes levied against such property.

Your Committee on Finance is in accord with the intent and purpose of **S. B. No. 136, S. D. 1**, and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 654-70 Finance on S. B. No. 1344-70

The purpose of this bill is to amend the existing law by extending the time period from ten to twenty calendar days when a transferee of a vehicle registered under Chapter 286, Hawaii Revised Statutes, shall forward both the certificate of ownership so indorsed and the certificate of registration to the county treasurer.

Your Committee on Finance is in accord with the intent and purpose of **S. B. No. 1344-70, S. D. 2**, and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 655-70 (Majority) Finance on S. B. No. 855

The purpose of this bill is to clarify the existing law relating to leaves for public employees summoned as witnesses or jurors by adding a new sentence which

specifically prohibits employees from receiving paid leave when they appear as witnesses in judicial proceedings involving or arising from their outside employment or personal business affairs.

The existing law makes no distinction in granting leaves of absence with pay to employees of the State or its political subdivisions who are summoned as witnesses. Employees who are summoned as witnesses in cases relating to their outside employment or personal business affairs may receive leave of absence with pay for the period required for such service.

Your Committee feels that personal business or affairs should not be conducted on government time or public expense. Employees who are required to appear as witnesses in judicial proceedings involving their outside employment or personal affairs can utilize their accumulated annual leave credits for such appearances.

Your Committee is in accord with the intent and purpose of **S. B. No. 855, S. D. 1**, and recommends its passage on third reading.

Signed by all members of the Committee. Representative Lee did not concur.

SCRep. 656-70 (Majority) Finance on S. B. No. 1664-70

The purpose of this bill is to appropriate funds out of the general revenues of the State and authorize the payment of these funds to satisfy claims against the State in accordance with various provisions of the Hawaii Revised Statutes.

Your Committee has amended this bill by:

(a) deleting the authorization for payment in the cases of *Rodrigues v. State* and *Upchurch v. State*. These cases are now on appeal to the Supreme Court and authorization for payment on these would be premature at this time; and

(b) deleting the claim of *Kukui Mortuary* for refund of general excise tax. The Department of Taxation has recom-

mended disapproval of this claim.

Your Committee is in accord with the intent and purpose of **S. B. No. 1664-70, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1664-70, S. D. 1, H. D. 1**.

Signed by all members of the Committee. Representative Lee did not concur.

SCRep. 657-70 Economic Development on S. B. No. 1157-70

The purpose of this bill is to establish the position of marine affairs coordinator in the office of the governor as the mechanism for effecting a unified and coordinated approach to the fullest development and utilization of Hawaii's marine resources.

Your Committee finds that there is a need for a planned and concerted effort to explore and develop to their fullest potential the vast, under-utilized resources of the Pacific Ocean, and especially, the resources in and around Hawaiian waters. Your Committee is also concerned with the depletion of fish, shell and marine life in Hawaiian waters. The development of mass cultural techniques under artificial conditions and release at selected sites or cultivation by private industry will increase the resources of the State. If the State government takes prompt and effective action, benefits will accrue to the people of Hawaii for years to come. However, if it fails to take action, Hawaii can surely lose to others already exploiting the resources of the Pacific.

The necessity for establishing a marine affairs coordinator is underscored by the fact that there is not now in State government any means by which existing marine programs, and particularly those programs which involve the responsibilities of more than one State agency, can be pulled together for a comprehensive approach in the planning, research, development, and promotion of Hawaii's marine environment. This was the principal finding of the study group led by the United States Department of Interior which prepared the

urgent report, *Hawaii and the Sea*, for the governor's task force on oceanography. The report emphasized that in order to bring about the coordinated management of marine activities and to implement those programs and projects crucial to the continuing development of the marine environment, it is essential and critical that there be established in the State government the mechanism to bring about integrated marine programs that will offer the greatest good to the people of Hawaii. In addition, the report observed that because marine affairs are the concern of many departments, and on the important consideration that the coordinator would have to coordinate marine work among all the departments, his job can be effectively accomplished only in the office of the governor. Your Committee concurs with these findings and recommendations.

The direction in which Hawaii must move to profit from its marine environment has been charted by the task force on oceanography. The next step is for the State, the business community, and others to bring together the necessary resources to carry out the recommendations which have been made. The thrust of this bill is that the State government must take the lead and move at once and effectively to capitalize on the opportunities which offer such great potential to the people of Hawaii. It is the intent of this bill that the marine affairs coordinator shall be moved by the same sense of urgency.

Your Committee has amended the bill in the following respects:

1. The amounts appropriated for the purposes of this Act have been left blank for further consideration by your Committee on Finance.

2. Section 3 has been amended by adding thereto a new paragraph which provides that the coordinator shall have the authority to establish a shoreline setback line in the coastal zone governing the location of structures along shorelines. The paragraph also gives the coordinator the authority to adopt rules and regulations governing the administration of such shoreline setback.

Your Committee is in accord with the intent and purpose of **S. B. No. 1157-70, S. D. 2**, as amended herein, and recommends its referral to your Committee on Finance in the form attached hereto as **S. B. No. 1157-70, S. D. 2, H. D. 1**.

Signed by all members of the Committee except Representatives Iha and Fong.

SCRep. 658-70 Government Efficiency and Public Employment on **S. B. No. 1637-70**

The purpose of this bill is to amend the procedure under the existing law for the processing of applications for service-connected total disability retirement benefits and for service-connected occupational retirement benefits.

This bill proposes to amend the existing law so that a decision of the Labor and Industrial Relations Appeals Board on the issue of the causal connection between the member's disability and his employment would be binding upon the Board of Trustees in their determination of the cause of the disability. The proposed amendment would obviate a present situation where the medical board of the retirement system and the medical review boards frequently take positions at odds with the workmen's compensation division or the Labor and Industrial Relations Appeals Board on the causal relation of the injury to the member's employment. It is intended to correct a procedural weakness in the law.

Your Committee is in accord with the intent and purpose of **S. B. No. 1637-70, S. D. 1** and recommends its referral to the Committee on Finance for further consideration.

Signed by all members of the Committee.

SCRep. 659-70 Government Efficiency and Public Employment on **S. B. No. 1673-70**

The purpose of this bill is to permit the reemployment of a former civil service employee who had severed his employment at any step in the salary range of the class, including longevity steps but not

to exceed the compensation he was receiving at the time he severed his employment. The bill also proposes to permit any employee who has been performing his duties in a satisfactory manner and who is laid off or demoted because of lack of work or lack of funds or who has voluntarily accepted a position in a lower class or who has resigned in good standing with the consent of the appointing authority or who is retired for ordinary or accidental disability or whenever his position has been reclassified to a lower class to be placed on a reemployment list to be appointed in accordance with Section 77-9, Hawaii Revised Statutes.

Your Committee recognizes that reemployment of these employees will be of great benefit because their movement to other jobs would have improved their ability and competence. The reemployment of former employees is also advantageous because the government would be able to realize its original investment in recruiting, examining, and training such employees. Your Committee believes that the pay rate for these rehires should be discretionary on the part of the appointing authority. It is not desirable to rehire a former employee at a fixed pay higher than the time of his severance. This discretionary provision will provide the flexibility necessary in rehiring and placement practices.

Your Committee is in accord with the intent and purpose of **S. B. No. 1673-70, S. D. 2** and recommends its referral to the Committee on Finance for further consideration.

Signed by all members of the Committee.

SCRep. 660-70 Government Efficiency and Public Employment on **S. B. No. 1609-70**

The purpose of the bill is to extend the use of the super grades in the Salary Schedule, i.e., Salary Ranges SC-1, SC-2, SC-3, to positions in the City and County of Honolulu and the Counties of Hawaii, Maui, and Kauai. The bill also removes the restriction on the total number of positions which can be assigned to these super grades.

The super grades were established under Act 127, Session Laws of Hawaii, 1969. Said Act, however, restricted the use of super grades to ten positions in the State in addition to positions of physicians and psychiatrists in the State and counties. With the final transfer of county hospitals to the State, for practical purposes, the super grades are presently only available to the State.

Your Committee finds that the need and desire to retain top quality professional and executive talents apply equally in the State as well as in the counties; therefore, by making the use of the super grades available to all jurisdictions, governments' competitive position in the labor market for the scarce top-level personnel can be greatly improved.

Your Committee is in accord with the intent and purpose of **S. B. No. 1609-70** and recommends its referral to the Committee on Finance for further consideration.

Signed by all members of the Committee.

SCRep. 661-70 Government Efficiency and Public Employment on **S. B. No. 1261-70**

The purpose of this bill is to increase the State's contribution to the public employees health fund so that it will equal no less than 50 per cent of the total contribution.

Your Committee finds that with recent raises in insurance rates some employees are now paying approximately two-thirds of the premiums which is contrary to the intent of the program which commenced on a 50-50 basis in 1961.

Your Committee is in accord with the intent and purpose of **S. B. No. 1261-70, S. D. 2** and recommends its referral to the Committee on Finance for further consideration.

Signed by all members of the Committee.

SCRep. 662-70 (Majority) Government Efficiency and Public Employment on **S. B. No. 1696-70**

The purpose of this bill is to implement Section 2, Article XII of the Constitution of the State of Hawaii which was adopted by the Electorate in 1968. Section 2, Article XII provided: "SECTION 2. Persons in public employment shall have the right to organize for the purpose of collective bargaining as prescribed by law." Section 2, Article XII, gave the legislature the authority to enact laws providing the power to public employees the right to organize for the purpose of collective bargaining. **S. B. No. 1696-70, S. D. 1**, does provide a vehicle for public employees to organize and to engage in collective bargaining.

Your Committee has held a public hearing on **S. B. No. 1696-70, S. D. 1**, and has heard many views on specific sections in the bill. Further, members of your Committee have met and discussed the bill. Although there are several areas of disagreements, these disagreements are deep-rooted and can be argued for the next ten years without possible concurrence of all parties concerned. Your Committee, therefore, feels that **S. B. No. 1696-70, S. D. 1**, should be adopted in its basic form. Should some of the provisions prove unworkable, amendments can be made at a later date.

Your Committee has made three technical amendments to clarify the intent of the bill. In Section 1 which relates to findings and policy, your Committee has amended that provision that relates to maintaining merit principles and principal of equal pay for equal work among State and county employees by adding Section 77-31 and 77-33. Reason for adding these two sections is because Section 76-2 refers to Chapter 77 when construction and interpretation of chapter 76 is required. Chapter 77 covers compensation laws. Section 77-31 covers the City and County of Honolulu and Section 77-33 covers the remaining counties. The same changes have been made to Section 10, subsection C. An additional amendment was made to Section 4(a) as it relates to service fees necessary to defray

the cost of negotiation. Your Committee has inserted "reasonable" service fees.

Your Committee is in accord with the intent and purpose of **S. B. No. 1696-70, S. D. 1**, as amended herein, and recommends its referral to your Committee on Finance in the form attached hereto as **S. B. No. 1696-70, S. D. 1, H. D. 1**.

Signed by all members of the Committee except Representative Kondo. Representative Devereux did not concur.

SCRep. 663-70 Higher Education and Public Institutions and Social Services on H. R. No. 90

The purpose of this resolution is to re-examine the curriculum of the University of Hawaii Graduate School of Social Work, in order to insure that the programs are relevant to the needs of the practitioners in the field, and also to foster more communication and cooperation between these groups. Specifically, this resolution requests that the School of Social Work, in conjunction with the Department of Social Services and private social agencies, prepare and submit to the Legislature a report including but not limited to training problems and requirements for the various levels of social workers, the possible establishment of training programs for para-professional social work personnel, and specific recommendations for positive legislative action to assist in training and retaining well qualified social work personnel in Hawaii.

In the past there has indeed been a dichotomy between the School of Social Work and the practitioners in the field, the biggest problem facing the marriage of these two has been communication. The School of Social Work was apparently uninformed of some of the major complaints and problems of the field workers, and the field workers were likewise unaware of many of the programs, and specifically program changes which were being brought about in the School of Social Work. It is the opinion of your Committee that the climate for cooperation between these bodies at this time is good, and that perhaps most of their major problems can

be worked out by dialogue and mutual information exchanges.

Your Committees have been particularly pleased to note that much constructive and positive change is in the process of occurring in the School of Social Work. In the space of less than a years time, the new Dean, Dr. Herbert Aptekar has achieved more constructive changes in the school and the curriculum than had occurred during the previous twenty years of the School's existence. While your Committees would not deign to judge curriculum, it is apparent that Dr. Aptekar is viewed as a breath of fresh air by both his students and by field practitioners. In fact, many of the latter group submitted written testimony which was openly critical of the School of Social Work, and were contrained to amend their testimonies when they became more aware of the programs, and more specifically the changes and receptiveness to new ideas which would appear to be the new trend in the School of Social Work.

Your Committees have amended **H. R. 90**, to enable it to more constructively achieve its goal. The resolution originally requested an interim legislative committee to re-evaluate the practices, policies, curriculum, and program relevance of the School of Social Work, as well as its cooperation with the Department of Social Services and other social work agencies. It is the opinion of your Committees that such an undertaking might prove to be a hindrance to the re-evaluation and momentum for change which has already been generated within the School of Social Work. Your Committees believe that a far more constructive approach is that of encouraging dialogue between the School of Social Work and the various social work agencies. Your Committees have therefore amended this resolution to provide that the School of Social Work in conjunction with the Department of Social Services and private social work agencies, prepare and submit to the Legislature a report including but not limited to training problems and requirements for the various levels of social workers, the possible establishment of training programs for para-professional social work personnel, and specific recom-

mendations for positive legislative action to assist in training and retaining well qualified social work personnel in Hawaii. Such a report would generate the desired dialogue between these groups in question, and could provide a true source of revitalization both for the School and for the agencies.

It is the hope of your Committees that this dialogue can cover a wide variety of areas and problems affecting the whole spectrum of social work in Hawaii. Not to be overlooked in these discussions should be the problem of providing training and an occupational niche for paraprofessional personnel; scheduling continuing education courses in the evenings when field workers would be available, to help them upgrade their qualifications; examining the problems and possible solutions for retaining qualified social work personnel in the State of Hawaii.

Your Committees have further amended the WHEREAS portion of this resolution to specifically recognize the constructive and dynamic changes which have already or are in the process of being wrought in the School of Social Work.

Your Committees are in accord with the intent and purpose of **H. R. 90**, as amended herein, and recommend its adoption in the form attached hereto as **H. R. 90, H. D. 1**.

Signed by all members of the Committees.

SCRep. 664-70 Labor and Employment Problems on H. R. No. 269

The purpose of this resolution is to request the department of labor and industrial relations to conduct a study on the feasibility of instituting a training program for office machine repairmen.

Your Committee has been informed by the Hawaiian Office Machine Dealers Association that there is presently a need for a minimum of thirty to forty office machine repairmen and that the members of said association are financially unable to maintain an adequate program to train people

to fill such need. The association has further suggested the institution of a state program for on-the-job training in conjunction with the community college system.

Your Committee agrees that if a need for thirty to forty office machine repairmen presently exists, the feasibility of instituting a manpower development and training program to train such repairmen should be explored by the department of labor and industrial relations.

Your Committee concurs with the purpose and intent of this resolution and recommends its adoption.

Signed by all members of the Committee.

SCRep. 665-70 Harbors, Airports and Transportation on H. R. No. 83

The purpose of this Resolution is to request the Governor's Housing Committee and the Mayor's Housing Committee, City and County of Honolulu, to seriously consider utilization of the air space above State and county highways for housing facilities. Your Committee finds that there is a severe problem of inadequate housing for the people of the State because of the limited land available. Your Committee concurs with the findings that air space over State property should be utilized as means to alleviate the housing shortage.

Your Committee, however, has amended **H. R. No. 83** as it relates to the utilization of air space and air rights above the State and county highways for housing facilities. The primary reason for eliminating this provision is due to the fact that many of our highways are federally funded and, therefore, may create some legal difficulties. As amended, the Resolution requests consideration of utilization of air space and air rights above the State and county parking facilities. It is felt that considerable utilization can be had if parking facilities are used on a multiple use concept which provides housing facilities.

Your Committee is in accord with the intent and purpose of **H. R. No. 83**, as amended herein, and recommends its

adoption in the form attached hereto as **H. R. No. 83, H. D. 1.**

Signed by all members of the Committee.

SCRep. 666-70 Economic Development on H. R. No. 300

The purpose of **H. R. No. 300** is to request the Director of the Department of Planning and Economic Development and the President of the University of Hawaii to fully explore the feasibility and means of Hawaii's participation in the proposed International Foundation for Scientific and Technical Development.

Your Committee finds that the creation of a strong science and technology base in developing countries necessitates the establishment of research centers within the countries themselves. There presently is a proposal to establish an International Foundation for Scientific and Technical Development which will strengthen the science and technology base of developing countries through the creation and support of such centers. The proposed organization would be an independent international body run by a governing board representing the international scientific community.

Your Committee further finds that the State of Hawaii, through the Department of Planning and Economic Development and its Hawaii International Services Agency, has demonstrated a deep commitment to the promotion, support and implementation of a wide range of developmental projects. This Resolution will encourage the Department of Planning and Economic Development and the University of Hawaii to take the initial steps necessary for Hawaii's participation in the proposed International Foundation for Scientific and Technical Development.

Your Committee is in accord with the intent and purpose of **H. R. No. 300** and recommends its adoption.

Signed by all members of the Committee except Representatives Roehrig, Ushijima and Oda.

SCRep. 667-70 Economic Development on S. C. R. No. 7

The purpose of this resolution, as amended herein, is to request the President of the Senate and the Speaker of the House of Representatives to appoint a joint committee to study the impact of labor and social legislation on the small businessmen of Hawaii.

As originally worded, this resolution requests the Senate and House Labor Committees to conduct the study. Your Committee believes that a joint committee appointed by the President and the Speaker would be more appropriate to conduct such study and has amended this resolution to so provide.

Your Committee concurs with the purpose of **S. C. R. No. 7**, as amended herein, and recommends its adoption in the form attached hereto as **S. C. R. No. 7, H. D. 1.**

Signed by all members of the Committee.

SCRep. 668-70 Finance on H. R. No. 165

The purpose of this Resolution is to request the Board of Trustees of the Hawaii Public Employees Health Fund to allow retired public employees the opportunity to enroll in the Health Benefits Plan even if they were not enrolled in the program for two years prior to their retirement.

Section 87-6, Hawaii Revised Statutes, enables retired public employees to participate in the Health Benefits Plan without making any contribution to the fund. However, current rules and regulations of the Board of Trustees make retired public employees ineligible to participate in the program if they were not enrolled in the program for two years prior to their retirement.

Many active employees are not aware of this stringent item in the rules and regulations of the Board of Trustees. Therefore, many discover, at the time of retirement, that they are not eligible to participate in the program after retirement

because they do not meet the two-year participation requirement. A waiver of this requirement by the Board will prove most helpful to the retired public employee since, after retirement, they must contend with the rising cost of living, including medical expenses, with a limited retirement income.

Your Committee has amended this Resolution by reinserting a limitation of 120 days for the open period. Your Committee feels that given the proper publicity and counseling and with active solicitation by the Board of Trustees, the purpose of this Resolution can be attained.

Your Committee is in accord with the intent and purpose of **H. R. No. 165, H. D. 1**, as amended herein, and recommends its adoption in the form attached hereto as **H. R. No. 165, H. D. 2**.

Signed by all members of the Committee except Representative Lee.

SCRep. 669-70 (Majority) Finance on **S. C. R. No. 52**

The purpose of this Concurrent Resolution is to urge members of the State Legislature, the departments of the State government and the departments of the county governments to participate in the National Tax Association annual conference in Honolulu, September 20-25, 1970. The Association is a non-political, non-profit educational organization whose principal object is to educate and benefit its members and others through the scientific study of taxation and public finances. The Association also strives to promote better understanding between the national, state and local governments in matters of taxation and public finances. Its sixty-third annual conference in Honolulu will be the first time for the Association to hold its tax conference outside the continental United States.

Your Committee finds that the State and county governments would greatly benefit by the legislative members and department heads attending what promises to be a very informative and educational conference on taxation and public finances.

Your Committee is in accord with the intent and purpose of **S. C. R. No. 52** and recommends its adoption.

Signed by all members of the Committee. Representative Lee did not concur.

SCRep. 670-70 Finance on **S. C. R. No. 28**

The purpose of this Concurrent Resolution is to request the Department of Personnel Services to consider a comprehensive new correctional worker and correctional counselor classification series.

Your Committee has amended this Concurrent Resolution by expanding its scope to include a request for a comprehensive review of the salaries of correctional workers in addition to consideration of a new classification series. Your Committee feels that the problem of recruitment and retention of personnel in the corrections field necessitates a close look at both these factors. A report of the results of the review is to be submitted to the Legislature twenty days prior to the convening of the 1971 Session. The title of the Concurrent Resolution has been amended accordingly.

Your Committee considered requesting the State Law Enforcement and Juvenile Delinquency Planning Agency to conduct the study in conjunction with the Departments of Social Services and Personnel Services but felt that the Department of Personnel Services, with its expertise in personnel matters, should be given primary responsibility to undertake this review with the Department of Social Services and the State Law Enforcement and Juvenile Delinquency Planning Agency serving in consultative status.

Your Committee is in accord with the intent and purpose of **S. C. R. No. 28**, as amended herein, and recommends its adoption in the form attached hereto as **S. C. R. No. 28, H. D. 1**.

Signed by all members of the Committee.

SCRep. 671-70 Public Health, Youth and General Welfare on **H. C. R. No. 49**

The purpose of this Concurrent Resolution is to request the Research Corporation of the University of Hawaii to conduct a study on the feasibility of establishing a state system for scientific laboratory facilities. The study would include an inventory and summary of existing governmental laboratory assets and operations in the State, a survey of projected workload increases upon these existing facilities, and a detailed proposal for establishing a state system for scientific laboratory facilities.

Your Committee finds that:

1. There exist certain requirements in current federal, state and county statutes and regulations which call for scientific and technical inspection, examinations and services which are designed to protect and improve the public health, safety and welfare.

2. The responsibilities for these services have been spread across and allocated to numerous public agencies, many of whom maintain and operate small, antiquated, isolated, poorly staffed and ill equipped facilities.

3. Because of this organizational fragmentation, the lack of adequate resources both in terms of personnel and equipment, and because of the lack of cross-information and cooperation among the various departments, the services required to meet certain problems are limited in scope and, more importantly, potentially dangerous in terms of protecting the public interest — both from a commercial as well as a private standpoint.

4. Because of the fragmentation there is no way of telling what the total cost of these services is to the state, and no way of assessing overall the efficiency and effectiveness of their management.

5. Because of the fragmentation there are problems in recruiting personnel for competing jobs, appropriately assessing the relative value of comparable jobs, and attendant difficulties in the whole personnel allocation field that lead to a serious problem of recruitment and personnel

administration.

Your Committee feels, however, that the Research Corporation does not in itself have the in-house professional competency to undertake this effort. Furthermore, since the Corporation is supported entirely by the projects which it manages and of itself has no other source of general income, the estimated cost of the 18 month program of \$125,000 would have to be borne completely by the State of Hawaii.

For the above reasons, and further investigation and consultation, your Committee amended the resolution to assign the study to the legislative auditor's office where it would be the most appropriate, effective and efficient vehicle for managing this effort.

Your Committee on Public Health, Youth and General Welfare is in accord with the intent and purpose of **H. C. R. No. 49** and recommends its referral to the Committee on Finance in the form attached hereto as **H. C. R. No. 49, H. D. 1.**

Signed by all members of the Committee except Representative de la Cruz.

SCRep. 672-70 Judiciary on **S. B. No. 1969-70**

The purpose of this bill is to expand the definition of major disasters to include those caused by the acts of man as well as those commonly referred to as "natural disasters" within the meaning of the law relating to disaster relief.

The Adjutant General and Director of Civil Defense for the State of Hawaii testified before your Committee when considering companion **H. B. No. 2140-70**, that man-caused disasters such as large-scale oil spillages, nuclear accidents, airplane crashes and major civil disturbances should be included with other "natural disasters" and be accorded eligibility for disaster relief. Primary liability on those responsible for such man-caused disasters shall be sought, but it is necessary or desirable to use the governor's disaster relief funds when liability determination is

delayed or not immediately determinable. No funds are required by this bill, except when a major disaster is declared by the governor.

Your Committee on Judiciary is in accord with the intent and purpose of **S. B. No. 1969-70** and recommends its referral to your Committee on Finance for further consideration.

Signed by all members of the Committee except Representatives Baptiste and Pule.

SCRep. 673-70 Finance on S. B. No. 1583-70

The purpose of this bill is to appropriate funds to establish and administer a program for the treatment and care of persons suffering from chronic renal disease.

Chronic renal disease is a disease of the kidney. A person suffering from this disease has an accumulation of waste products, normally excreted in the urine, which makes him ill and, if not treated, causes his death. A method of treatment called hemodialysis has been developed to remove these substances from the body and thus sustain life.

The renal disease patients cannot by themselves pay for hemodialysis treatment. The majority of patients are those who can afford normal living expenses but are unable to pay for this expensive treatment. They are not indigents. However, under present Department of Social Services rules, financial support can be given only to those qualifying as indigents and medical indigents — in effect, forcing these patients to liquidate their personal assets to qualify for assistance. This causes a loss of incentive for rehabilitation and employment, resulting ultimately in a greater financial burden for the State.

Your Committee has amended this bill by reducing the appropriation to \$300,000, which we feel will provide a good start in this program. It is the intent of your Committee that adequate provisions be made to insure that dialysis machines purchased through State funds remain a property of the State for continued use in

this program.

It is also intended that the patients shall have free choice of hospitals under this program.

The effective date of this bill has been changed to July 1, 1970. Other amendments have been made for purposes of clarity.

Your Committee is in accord with the intent and purpose of **S. B. No. 1583-70**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1583-70, H. D. 1.**

Signed by all members of the Committee except Representative Lee.

SCRep. 674-70 Finance on S. B. No. 1827-70

The purpose of this bill is to repeal the provision of the retirement law providing that any benefit paid by the State or county under the provisions of the Workmen's Compensation Law on account of disability or death shall be offset against any pension of the System on account of the same disability or death. This amendment would allow the beneficiary to receive both the pension and the Workmen's Compensation benefits at the same time, rather than waiting until Workmen's Compensation payments have been exhausted in order to receive the full pension payment.

Your Committee is in accord with the intent and purpose of **S. B. No. 1827-70** and recommends its passage on third reading.

Signed by all members of the Committee except Representative Lee.

SCRep. 675-70 Finance on S. B. No. 215

The purpose of this bill is to increase the pay of an employee who is required to render stand-by duty after normal hours of work, or on weekends or holidays from 5 per cent to 25 per cent of the employee's daily rate.

Under existing law, an employee is paid 5 per cent of his daily rate for stand-by duty which requires him to be available for immediate call to work.

Your Committee has amended the bill by adding a phrase in the first sentence which was inadvertently left out and by converting the form of the bill in conformance with House Rule 24(2).

Your Committee is in accord with the intent and purpose of **S. B. No. 215, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 215, S. D. 1, H. D. 1**.

Signed by all members of the Committee.

SCRep. 676-70 Public Institutions and Social Services on S. B. No. 1037

The purpose of **S. B. No. 1037, S. D. 1**, is to make it unlawful for any person to deny or refuse a blind person from taking a seeing eye guide dog into any and all public places and to make it unlawful for any person operating a private or public carrier, whether a public utility or not, to charge a fee for the carriage of a seeing eye guide dog accompanied by a blind person.

Your Committee is in accord with the intent and purpose of **S. B. No. 1037, S. D. 1**, and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 677-70 Government Efficiency and Public Employment on S. B. No. 1410-70

The purpose of this bill is to liberalize, within safe limits, the investment portfolio of the employees' retirement system of the State to encourage loans for housing and small businesses. The bill does the following:

1. Increases the loan-to-value ratio from seventy-five to eighty per cent on homes under \$50,000 and from seventy to

seventy-five per cent on all others.

2. Allows the value of the leasehold interest as well as the improvements to be included in determining the loan-to-value ratio of a leasehold.

3. Clarifies language to specifically allow investment in small business loans guaranteed by the small business administration.

Your Committee agrees that the value of the collateral is sound and adequately secures the assets of the system and further feels that this bill will help channel more funds into housing and the development of small businesses in the State.

Your Committee is in accord with the intent and purpose of **S. B. No. 1410-70, S. D. 1**, and recommends its passage on third reading.

Signed by all members of the Committee except Representatives Iha and R. Wong.

SCRep. 678-70 Education on S. B. No. 1228-70

The purpose of this bill is to amend the definition of Chapters 297 and 298, Hawaii Revised Statutes, to limit them to academic and non-college types. This is to limit schools falling under the jurisdiction of the Department of Education to those in the primary and secondary educational areas.

Under the existing laws, the definition of schools under the Department of Education is so broad and inclusive so as to include trade, vocational, technical or even college type of schools.

Your Committee on Education is in accord with the intent and purpose of **S. B. No. 1228-70** and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 679-70 Education on S. B. No. 1222-70

The purpose of this bill is to update Section 727-24, Hawaii Revised Statutes, to reflect the change in the name of the Kawaihoa Girls' Home to the Hawaii Youth Correctional Facilities.

Your Committee is in accord with the intent and purpose of S. B. No. 1222-70 and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 680-70 Education on S. B. No. 1230-70

The purpose of this bill is to amend Section 26-12 and Section 298-2 to conform to the changes implemented by Act 39, Session Laws of 1964. This act transferred to the University of Hawaii the responsibility of providing schools and special classes for vocational education. This bill would delete from Section 26-12 the words "post high, vocational," and from Section 298-2 "schools for technical instruction".

Under the existing law, although these areas were transferred to the University of Hawaii, the Statutes still refer to vocational and technical education when referring to the Department of Education.

Your Committee on Education is in accord with the intent and purpose of S. B. No. 1230-70 and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 681-70 Finance on S. B. No. 1746-70

The purpose of this bill is to provide workmen's compensation disability and death benefits to volunteer reserve police officers and volunteer firemen and their dependents for injuries or deaths resulting from the performance of their police duties.

Under existing law volunteer reserve police officers and volunteer firemen or their dependents are not entitled to work-

men's compensation disability benefits or death benefits. The volunteer firemen or police officers who are voluntarily performing services, are inevitably exposed to some risk. Under present workmen's compensation law, the only benefits afforded a volunteer is his reasonable hospital and medical expenses. Your Committee finds that this bill would correct this inequity by providing disability and death benefits to these volunteer officers and their dependents.

Your Committee has amended this bill by clarifying that both volunteer reserve police officers and volunteer firemen must be under the authorized direction of an officer of his department in order to qualify for these benefits.

Your Committee is in accord with the intent and purpose of S. B. No. 1746-70, S. D. 2, as amended herein, and recommends its passage on third reading in the form attached hereto as S. B. No. 1746-70, S. D. 2, H. D. 1.

Signed by all members of the Committee.

SCRep. 682-70 (Majority) Finance on S. B. No. 1217-70

The purpose of this bill is to exempt non-resident employees of the State or their spouses and dependents from the nonresident tuition fee. Under existing law, only University employees and their spouses and dependents are exempt from non-resident tuition fees.

Your Committee has amended this bill by limiting the exemption to nonresident full-time employees. Your Committee has also clarified the nonresident tuition provision to provide that graduate resident and nonresident tuition fees shall not be less than the tuition fees for undergraduate resident and nonresident students.

Your Committee is in accord with the intent and purpose of S. B. No. 1217-70, S. D. 1, as amended herein, and recommends its passage on third reading in the form attached hereto as S. B. No. 1217-70, S. D. 1, H. D. 1.

Signed by all members of the Committee. Representative Lee did not concur.

SCRep. 683-70 (Majority) Finance on **S. B. No. 1981-70**

The purpose of this bill as referred to your Committee was to increase State contributions to the public employees health fund for children's dental expenses.

Your Committee finds that the trust fund will be insufficient to meet the increasing dental costs by 16 cents per child, therefore, your Committee has appropriated \$78,355 to allow the continuance of a dental plan equal to the one now in effect. This action, however, should not be construed as a legislative commitment to have the State assume the full obligation of any future cost increases. Your Committee believes that anticipated future costs will eventually necessitate a sharing of such costs between government and employee.

Your Committee on Finance is in accord with the intent and purpose of **S. B. No. 1981-70, S. D. 2**, and recommends its passage on third reading.

Signed by all members of the Committee. Representative Lee did not concur.

SCRep. 684-70 (Majority) Finance on **S. B. No. 1836-70**

The purpose of this bill is to provide greater flexibility in the community physician section of the Progressive Neighborhoods Program.

Your Committee has amended this bill to permit the establishment of a community physician in the Hauula area. Your Committee has deleted the amendments (1) enabling the Director of Health, with the approval of the Governor, to determine the need for and to establish community physicians in multi-problem neighborhoods; (2) providing a guarantee of \$36,000 from the practice of medicine and surgery instead of from all sources as presently provided; and (3) allowing more than one physician to be subsidized in any specific multi-problem neighborhood.

Your Committee is in agreement with the community physician program as it exists now. Recognizing, however, that the guaranteed income disrupts the normal competitive system, your Committee feels that the determination of the location of the community physician properly lies with the Legislature. Should it be desirable to establish community physicians in other areas, the Director of Health may submit amendments for legislative consideration. Such requests should include a description of the community involved, and an explanation of its needs for a community physician.

Your Committee is in accord with the intent and purpose of **S. B. No. 1836-70, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1836-70, S. D. 1, H. D. 1**.

Signed by all members of the Committee. Representative Devereux did not concur.

SCRep. 685-70 Finance on **S. B. No. 1559-70**

The purpose of this bill is to provide a uniform ceiling on the maximum number of working hours worked by uniformed members of the fire departments of the several counties and to set the ceiling at an average of 63 hours of actual service scheduled and computed on the basis of an eight-week cycle.

There is a growing movement throughout the country to reduce the working hours of firefighters. Neighbor island firemen are now working longer hours than the firefighters in most mainland jurisdictions and longer than those on Oahu.

Since firemen in all counties are covered under the provisions of Chapter 77 of the Hawaii Revised Statutes relating to "equal pay for equal work", your Committee believes that the working hours should also be uniform, in order to achieve "equal pay for equal work" on an hourly basis.

Your Committee is in accord with the intent and purpose of **S. B. No. 1559-70**

and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 686-70 Federal-State-County on S. B. No. 542

The purpose of this bill is to correct deficiencies in existing laws and ordinances relating to improvements by assessments. The bill amends Chapter 46, Hawaii Revised Statutes, by adding a new Section thereto which establishes a system of independent appraisal in the case of improvements by assessments in any of the several counties. Under this new Section, three qualified appraisers shall be appointed by the council of the several counties to determine:

1. Which lands will be benefited by the improvements.
2. The amounts by which this land will be specially benefited.
3. The method whether on a frontage, area, or recurring horizontal plane basis, by which the lands should be assessed.
4. The estimated total unit of assessment.

This Section also provides a new sharing formula between the property owners and the county. The property owners share is fixed by the three appraisers and the government pays the total balance of all cost of an improvement district above the amount of assessments from improvement against land specially benefited. Under existing law the aforementioned four functions are being performed by the Chief Engineer of the several counties. Your Committee finds that the performance of these functions by independent appraisers will serve to eliminate disputes which often arise between property owners affected by improvement district projects and the county government.

Your Committee has amended the bill by adding several modifications to existing statutes and ordinances. Sections 2 and 3

of the bill as amended by your Committee provide that all first mortgage liens whether the first mortgage is made prior to or subsequent to the improvement district assessment shall have priority over all liens for assessments. The purpose of these sections is to eliminate the need for the requirement imposed by mortgage lending institutions upon the seeker of mortgage financing that he first discharge all assessment liens against the property before the bank will consider his application for a first mortgage. The effect of this amendment will be to make the obtaining of mortgage financing of raw land improved by assessment easier for low and middle income families.

Sections 4 and 5 of the bill as amended extend the term of payment by installment of any assessment from twenty to thirty years. In addition, these sections increase the allowable rate of interest payable on the unpaid principal of assessments paid in installments from six to eight percent per year. This amendment will also have a salutary effect on the ability of low and middle income families to obtain adequate housing.

Section 6 of the bill as amended adds a new section to Chapter 46 which empowers the counties to assess the cost of improvements against public lands which have been set aside for residential development purposes by the Governor pursuant to law.

Section 7 of the bill as amended adds a new section to Chapter 46 allowing the council of each county to provide by ordinance for assessment for improvements in areas planned for urban use and zoned for hotels and apartments based on the total area of recurring horizontal planes which may be constructed under applicable zoning ordinances. The purpose of this section is to provide a more equitable means of assessing improvements made to properties which are zoned for highrise development by allowing assessment based on the number of floors or stories which may be constructed on the assessed property.

Section 8 of the bill as amended rein-

states the right of protest by owners of property proposed to be assessed in the City and County of Honolulu. This right of protest applies in the neighbor islands under Chapter 67 of Hawaii Revised Statutes. The right was deleted by amendment of the ordinance of the City and County of Honolulu. This section reinstates this right.

Your Committee is in accord with the intent and purpose of **S. B. No. 542** and recommends its passage on third reading in the form attached hereto as **S. B. No. 542, H. D. 1.**

Signed by all members of the Committee except Representative Fong.

SCRep. 687-70 Judiciary on **S. B. No. 1992-70**

The purpose of this bill is to amend Chapter 485 of the Hawaii Revised Statutes. Specifically, the following purposes are accomplished by the bill:

1. Section 1 of the bill amends Section 485-4 to include as exempt securities any security issued in connection with an employee's stock purchase, savings pension, profit sharing or similar plan. This provision is in the Uniform Securities Act but inadvertently was not included in the Hawaii Act when it was drafted in 1957.

2. Section 2 of the bill amends Section 485-11 to delete the requirement that mutual fund companies file amendatory statements to their registration statements whenever the amount of securities registered with the Securities and Exchange Commission is increased. Mutual fund companies would only be required to renew their registrations annually, as required of other companies, by filing a copy of their latest prospectus as set forth in paragraph (4) of Section 485-11. This amendment will significantly reduce the workload of the Business Registration Division of the Department of Regulatory Agencies.

3. Section 3 of the bill amends 485-25(a) to allow the Commissioner of Securities to exempt by rule or order certain classes

of sales literature from being filed with his office. Such classes would include sales literature previously filed with the Securities and Exchange Commissioner and/or the National Association of Securities Dealers. The elimination of the filing of such literature will naturally reduce the amount of mail received daily by the Business Registration Division, thereby increasing efficiency in that Division. Many states have such a provision in their securities statutes.

Your Committee has amended the bill by deleting portion of HRS Section 485-4(5) as set forth in Section 1 of the bill which portion had been repealed in 1969 and inadvertently included in the bill.

Your Committee is in accord with the purpose and intent of **S. B. No. 1992-70**, as amended herein, and recommends that it pass third reading in the form attached hereto as **S. B. No. 1992-70, H. D. 1.**

Signed by all members of the Committee except Representatives Baptiste, Pule and Judd.

SCRep. 688-70 (Majority) Finance on **S. B. No. 1283-70**

The purpose of this bill is to amend several sections of Chapter 202, Hawaii Revised Statutes, which covers manpower and full employment. The bill was drafted to implement some of the specific recommendations on manpower made by the Joint House-Senate Interim Committee on Labor established pursuant to **H. C. R. No. 101**, 1969 Session, to study the State's manpower needs.

It provides as follows:

(1) Enlarging the membership of the State advisory commission on manpower and full employment from 11 to not less than 12 members and not more than 18 members.

(2) Designating the commission as the responsible body for planning, reviewing and evaluating all State and federal manpower programs and requiring it to submit an annual statewide manpower

plan.

(3) Transferring the commission from the Department of Planning and Economic Development to the Governor's Office.

(4) Changing the name and composition of the present committee which serves in an advisory capacity to the commission and also serves as an inter-departmental liaison and coordinating body.

(5) Transferring the secretariat of the State comprehensive manpower study plan committee to the advisory commission on manpower and full employment in line with the interim committee recommendation that the "State C.A.M.P.S. process and staff" be officially made a responsibility of the commission.

Your Committee has amended this bill by limiting the commission's exempt staff to the executive secretary only and deleting the appropriations.

Your Committee is in accord with the intent and purpose of **S. B. No. 1283-70, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1283-70, S. D. 1, H. D. 1**.

Signed by all members of the Committee except Representatives Lee and Ushijima. Representative Devereux did not concur.

SCRep. 689-70 (Majority) Finance on **S. B. No. 1665-70**

The purpose of this bill is as follows: (1) to amend present laws requiring collateralization of government deposits to permit the use of mortgages insured or guaranteed by the Federal government as collateral; (2) to provide that security is not required for any deposit that is insured under any law of the United States; and (3) to permit the deposit of public fund in savings and loan associations insured by the Federal Savings and Loan Insurance Corporation.

Your Committee is in accord with the intent and purpose of **S. B. No. 1665-70, S. D. 2**, and recommends its passage on

third reading.

Signed by all members of the Committee. Representative Lee did not concur.

SCRep. 690-70 Finance on **S. B. No. 603**

The purpose of this bill is to provide for a complete reorganization of the district courts by (a) establishing a single district court for each county, (b) establishing the district courts as courts of record, thereby eliminating the prior right to trials *de novo* at the circuit court level, (c) providing for appeals from the district court to the supreme court, (d) increasing the civil jurisdiction of district courts to \$5,000, (e) substituting the term "district judge" for that of "district magistrate", and (f) providing that the judges shall serve full time and number as follows: district court of first circuit — ten judges, district court of second circuit — two judges, district court of third circuit — two judges, and district court of fifth circuit — one judge.

Your Committee has amended this bill by:

(1) reducing the number of district court judges authorized for the district court of the first circuit from ten judges to eight judges;

(2) clarifying that the Chief Justice be authorized to appoint additional *per diem* district judges;

(3) retaining the terms of district court judges at four years instead of the six years recommended; and

(4) setting the compensation of district court judges at eighty per cent of the compensation of a circuit court judge.

(5) converting the form of the bill in accordance with House Rule 24(2).

Your Committee is in accord with the intent and purpose of **S. B. No. 603, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 603, S. D. 1, H. D. 1**.

Signed by all members of the Committee except Representative Lee.

SCRep. 691-70 Finance on S. B. No. 408

The purpose of this bill is to amend the existing average final compensation for retirement purposes from the five highest years of credited service to the three highest years without vacation time included.

Under existing law, the average final compensation consists of the average of the member's earnings during his five highest years of credited service. Included in the computation is any lump-sum payment of salary in lieu of vacation.

Your Committee finds that with the rising cost of living, the highest five years even with vacation pay included does not provide an equitable retirement income to which a retiree is entitled. The highest three years without vacation pay included will result in retirement pay more in line with the cost of living which is reflective of current wages.

Your Committee feels that employees who become members of the Retirement System prior to January 1, 1971, should be given the option to elect between the highest five years or the highest three years without vacation pay included in the compensation. Employees becoming members of the Retirement System on or after January 1, 1971, shall have their retirement computed on the basis of the highest three years without vacation time included. Accordingly, these amendments have been made to this bill.

Your Committee is in accord with the intent and purpose of **S. B. No. 408, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 408, S. D. 1, H. D. 1**.

Signed by all members of the Committee except Representative Lee.

SCRep. 692-70 Judiciary on S. B. No. 1574-70

The purpose of this bill is to immunize

from civil liability any member of a peer review committee of a professional group when such committee carries out its authorized duties of taking disciplinary action against a colleague, if without malice.

This bill provides that there shall be no civil liability of any member of a peer review committee for acts done in furtherance of the purpose for which the committee was established; provided that: (1) a member was authorized to perform in the manner in which he did; and (2) member acted without malice after having made a reasonable effort to ascertain the truth of the facts upon which he acted.

The safeguards of this bill shall not be construed to confer immunity from liability upon any professional society or hospital nor shall it grant immunity to any shareholder or officer of a professional corporation under Part 8 of Chapter 416 of the Hawaii Revised Statutes.

The Hawaii Medical Association firmly supports this measure. The medical profession has traditionally policed itself by peer review committees in community hospitals in the Hawaii Medical Association and in each of the county medical societies. The objectives of these peer review committees are to eliminate questionable and dangerous practices and to improve and maintain the professional standards of physicians. Disciplinary actions are taken only after a complete hearing and discussion based upon a clear consensus. Because serving upon such committees is a tedious and "thankless" task, bearing the additional risk of civil liability which is a manifest threat, may deter many physicians from serving. Furthermore, unless the members are free to express facts known to them, the scope and function of the committees may not be fully attained, in consequence of which the quality of peer review will decline, resulting in poor patient care.

Your Committee is in accord with the intent and purpose of **S. B. No. 1574-70** and recommends that it pass third reading.

Signed by all members of the Committee except Representatives Baptiste and Pule.

SCRep. 693-70 Judiciary on S. B. No. 1793-70

The purpose of this bill is to standardize Hawaii's driver licensing provisions by abolishing the chauffeur's license.

This special license was established so that professional drivers, primarily those who drive large commercial vehicles, called "chauffer's", could be separated from drivers of regular vehicles, called "operators". This distinction allowed the establishment of more stringent requirements for the qualification of chauffeurs, some of which required applicants for chauffeur's licenses to demonstrate their ability to drive larger commercial vehicles.

In 1967, under the Hawaii Highway Safety Act (Chapter 286, Hawaii Revised Statutes) the licensing provisions were expanded so that applicants for both operator's and chauffeur's licenses were required to demonstrate that they had the ability to drive certain categories of vehicles. Vehicles ranging from motor scooters to truck trailers, seven categories in all, were separated out, and special testing requirements for each category were developed. In 1967, the legislature apparently felt that it was important to preserve the separate requirement for chauffeurs' licenses because of its expiration each year, affording opportunity for retesting at frequent intervals. Since that time, this additional requirement has revealed itself as an unnecessary imposition upon professional drivers, and the bill, in abolishing the chauffeur's license, would remove this burdensome requirement. The Public Utilities Commission requirements, including regular examination, would still apply to professional drivers.

To carry out the change in the law, the bill deletes all references to "chauffeur's licenses". Likewise, reference to "operator's licenses" is deleted, and one general kind of license would be created: This would be the "driver's license".

Your Committee is in accord with the intent and purpose of S. B. No. 1793-70 and recommends that it pass third reading.

Signed by all members of the Committee except Representatives Baptiste and Pule.

SCRep. 694-70 Judiciary on S. B. No. 1329-70

The purpose of this bill is to permit an insured under a group life insurance policy to assign all or any part of his incidents of ownership, including, but not limited to, the right to exercise the conversion privilege and the right to name the beneficiary, to any person other than the policyholder.

Since Revenue Ruling 69-54 of the Federal Internal Revenue Service, an insured under a group life insurance policy can remove the proceeds of such policy from his gross estate for federal estate tax purposes by irrevocably assigning his interest in the group policy, thereby causing such proceeds to pass outside of his estate and exempting them from federal estate taxation. This bill enables such an insured to take advantage of Revenue Ruling 69-54 by amending the Hawaii Insurance Laws, subject to the terms of the policy, or pursuant to an agreement between the insured, the group policyholder, and the insurer.

Your Committee on Judiciary is in accord with the intent and purpose of S. B. No. 1329-70 and recommends that it pass third reading.

Signed by all members of the Committee except Representatives Baptiste and Pule.

SCRep. 695-70 Judiciary on S. B. No. 266

The purpose of this bill is to amend existing provisions of the Workmen's Compensation Law regarding attorney's fees and costs and expenses where the injured employee or his employer has asserted a third party claim. The bill provides that if the third party action is brought by the employer alone, the employer is entitled to be paid from any proceeds thereof, whether by way of settlement or judgment, his litigation expenses, and a reasonable attorney's fee based on services rendered to both the employer and employee; thereafter from the proceeds the employer shall reimburse himself for compensation bene-

fits paid out and pay over any excess to the employee.

If the third party action is brought by the employee alone, the employee is entitled to be paid from any proceeds, by way of settlement or judgment, his litigation expenses and a reasonable attorney's fee based on services rendered to both the employee and employer; thereafter the employer has a lien upon the proceeds for reimbursement of compensation benefits paid out by the employer. The excess of the proceeds, if any, would, of course, go to the employee.

If the action is brought both by the employee and the employer, whether in single or consolidated actions, then from any proceeds, by way of settlement or judgment, both the employee and employer are entitled to litigation expenses and reasonable attorney's fees based on services rendered to both parties where they are represented by the same attorney, or based on services rendered to each party where they are represented by separate attorneys. After payment thereof from the proceeds there shall be applied an amount sufficient to reimburse the employer for compensation benefits paid out by him, and the excess shall be paid over to the employee.

In the event the parties cannot agree upon the amount of reasonable litigation expenses and attorney's fees, then the same shall be fixed by the court.

Under existing law, there is provision only for payment of litigation costs and attorney's fees, whether the third party suit is brought by the employer, the employee, or both, only after judgment. This is the result of the enactment by the legislature in 1967 of only a limited portion of the California Labor Code covering third party claims and attorneys' fees. A thorough discussion of this inadequacy in the Hawaii Workmen's Compensation Law is found in *Berkness v. Hawaiian Electric Co., Ltd., et al.*, No. 4736, Hawaii Supreme Court. Consequently, where a claim is settled, whether suit is filed or not, the usual provisions allowing deductions for attorney's fees and costs and then charging the

employee only with the net proceeds received by him, rather than the gross proceeds, are not applicable. As a matter of practice, most third party claims are settled before judgment.

Your Committee agrees that the Workmen's Compensation Law should be amended to correct the deficiency noted by the Supreme Court in the *Berkness* case on the subject of payment of attorney's fees. It further concurs that it would be fair to permit an injured employee to receive compensation again after the exhaustion of the net proceeds from a third party settlement or judgment, rather than after the exhaustion of the gross proceeds. Your Committee also agrees that it would be equitable that where the employer effectuates a third party recovery he should be able to deduct his costs and attorney's fees, as well as his compensation outlays, from the proceeds before he turns the excess over to the employee; that where the employee effectuates a third party recovery he should be able to first deduct his costs and attorney's fees before he pays over the employer's reimbursement for his compensation outlays over to him, and that the employer should reasonably share in the costs and attorney's fees; and that where both employee and employer effectuate the recovery their costs and attorney's fees should be an initial charge on the proceeds before distribution to the employer and employee, respectively.

Your Committee on Judiciary is in accord with the intent and purpose of **S. B. No. 266, S. D. 2**, and recommends that it pass third reading.

Signed by all members of the Committee except Representatives Baptiste and Pule.

SCRep. 696-70 Judiciary on **S. B. No. 1584-70**

The purpose of this bill is to amend existing law relating to nursing by meeting the current needs and demands of registered nurses and licensed practical nurses.

Under existing law, the board of nursing consists of five members who serve for a term of four years. There is an advisory

group consisting of three licensed practical nurses who are non-voting members. This bill enlarges the board of nursing to seven members comprised of five registered nurses and two licensed practical nurses. The qualifications of the board members are expressly set forth in the bill as hereinafter stated.

The Senate Committee on Public Health, Welfare and Housing, to which this bill was initially referred, upon its consideration thereof, recommended and made certain amendments thereto, in which form the bill was referred to your Committee on Judiciary, as follows:

1. Deleted the term "registered nursing" wherever it appears therein and inserted in lieu thereof the term "practice of nursing as a registered nurse." Also used the term "registered nurse" instead of the term "professional nurse."

2. Deleted the term "practical nursing" wherever it appears therein and inserted in lieu thereof the term "the practice of nursing as a licensed practical nurse." Also used the term "licensed practical nurse" instead of the term "practical nurse."

3. Deleted the provision regarding the submission of the lists of members qualified to serve on the board by the Hawaii Nurses' Association to the Governor. This is in accord with a recommendation made by your Committee on Judiciary last year in **Stand. Com. Rep. No. 594** wherein we stated: "Your Committee feels that the Governor should not be confined to such a list in appointing members to the board." Moreover, no other board or commission is subjected to such a requirement. Certainly, the Hawaii Nurses' Association and the Practical Nurses' Association should be encouraged to submit to the Governor a list containing the names of those of its members which the association recommends as qualified to serve on the board, and such list should contain at least as many names as there are vacancies to be filled by nurses from the respective associations. And, certainly, the Governor should as a matter of policy take into consideration the persons recommended

on the list when appointing new board members or filling the unexpired terms of vacancies on the board, but he should not be limited to such a list.

4. Deleted the qualifications requirement of the executive secretary who shall be appointed by the director of regulatory agencies to sit on the board of nursing. The Senate Committee on Public Health, Welfare and Housing found that the director should be given the prerogative of appointing the executive secretary pursuant to civil service laws; however, it strongly recommended that in the appointment of said executive secretary, the director should "take into consideration the proposal that the executive secretary should possess similar qualifications which are required for a member of the board of nursing."

5. Added an exception whereby the chapter does not prohibit the practice of nursing in connection with healing by prayer or spiritual means alone in accordance with the tenets and practice of any well organized church or religious denomination, provided that no person practicing such nursing holds himself out to be a registered nurse or a licensed practical nurse.

6. Inserted the same penalty under the existing law in the penalty provision section.

Your Committee is in accord with the intent and purpose of **S. B. No. 1584-70, S. D. 1**, and recommends that it pass third reading.

Signed by all members of the Committee except Representatives Baptiste, Dupont and Pule.

SCRep. 697-70 Judiciary on **S. B. No. 1699-70**

The purpose of this bill is to permit escrow depositories to deposit cash or securities in lieu of fidelity bonds and errors and omissions insurance presently required as a condition of licensure.

The Honolulu branch of Fireman's

Fund American Insurance Companies has notified the Director of Regulatory Agencies that it is forthwith withdrawing from the marketing of escrow company errors and omissions insurance. It is the Director's understanding that there is no other American source for such insurance coverage, and that the only source available is Lloyd's of London. The Director of Regulatory Agencies is reputed to favor this bill.

Your Committee is in accord with the intent and purpose of **S. B. No. 1699-70** and recommends that it pass third reading.

Signed by all members of the Committee except Representatives Baptiste, Duponte and Pule.

SCRep. 698-70 Judiciary on **S. B. No. 1221-70**

The purpose of this bill is to broaden the scope of the present law relating to waste of water from artesian wells by making the same applicable to wells in general.

The present law makes it a misdemeanor to fail to prevent the waste of water from an artesian well, and requires certain inspections to be made and records to be filed with respect to artesian wells. The present law is adequate so far as it goes, but there is a need to embrace within it other wells which are drilled in locations other than in artesian basins for various purposes such as water supply for municipal, agricultural, and industrial use, for disposal of waste and storm waters, and for recharge of ground water aquifers. Because these wells have a decided effect upon the ground water situation throughout the State, it is essential that data concerning them also be gathered by the State in order that a sound management program of water conservation and pollution abatement may be maintained. But the present law does not afford to state the legal basis for the gathering of this vital ground water information on a wide scale.

Your Committee received and considered testimonies on companion **House Bill No. 1433-70**. The Department of Land and Natural Resources is in favor of this bill

and has no opposition to certain amendments thereto proposed by the Board of Water Supply of the City and County of Honolulu and the Hawaiian Sugar Planters' Association, effected by the Senate Committee on Lands and Natural Resources. The Board of Water Supply, also not opposed to the bill, did suggest that it be amended so as to protect its rights to regulate wells as set forth in the Charter of the City and County of Honolulu, specifically Articles 8-103(a)(b) and 8-105(j)(k). The Hawaiian Sugar Planters' Association, also unopposed to the bill, did suggest, however, the following two amendments:

1. That "development and transmission tunnels" be expressly excluded from the definition of wells; and

2. That with regard to exploratory and test wells, drilling records filed by agriculturists with the board should be maintained as confidential, as is the case with mineral records.

These substantive amendments were effected by the Senate Committee on Lands and Natural Resources as follows:

1. The matter of conflict with county charter powers of the respective boards of water supply has been resolved by the addition of a new subparagraph (1), providing, in effect, that if enacted the measure shall not be construed as amending or impairing any charter provision relating to boards or departments of water supply.

2. The matter of agricultural irrigation was resolved by amendments to subparagraphs (d) and (g) by deleting from the definition of waste water "before coming to the surface of the ground" and by providing that the records to be kept shall be on forms provided by the Board of Lands and Natural Resources rather than enumerating the specific data required, also, some incidental, essentially non-substantive amendments were also effected.

Your Committee is in accord with the intent and purpose of **S. B. No. 1221-70**, **S. D. 1**, and recommends that it pass third

reading.

Signed by all members of the Committee except Representatives Bicoy, Baptiste, Duponte and Pule.

SCRep. 699-70 Judiciary on S. B. No. 1911-70

The purpose of this bill is to permit a former registered voter of Hawaii, who has established residence elsewhere, to vote by absentee ballot in any presidential election occurring within 24 months after leaving Hawaii, in the event such voter is ineligible to vote at his new residence.

The bill was amended by the Senate by adding at the end of the second sentence of the proposed new section 14- . . . , Hawaii Revised Statutes, the phrase, "and the fact of applicant's ineligibility to vote at his new place of residence verified by the voter registrar or his authorized representative in the jurisdiction of the applicant's new residence", which is designed, evidently, to preclude a voter from twice voting in the same election. A "verification of ineligibility" form was included in the suggested application form set forth in the bill. The Senate changed the title of this form and corrected a typographical error in section numbering.

Your Committee on Judiciary is in accord with the intent and purpose of S. B. No. 1911-70, S. D. 1, and recommends that it pass third reading.

Signed by all members of the Committee except Representatives Baptiste, Duponte and Pule.

SCRep. 700-70 Judiciary on S. B. No. 391

The purpose of this bill is to prohibit the State and its political subdivisions from inquiring into whether or not an applicant for government employment has ever been arrested.

Under existing law an applicant for employment may be questioned not only for convictions but also for arrests only. If enacted, the bill would allow questioning with regard to convictions only, including

circumstances pertaining thereto, including the arrest.

Your Committee finds that inquiry into arrests only is not only unnecessary but perhaps, in certain cases, prejudicial for employment purposes. Your Committee feels that an arrest only, without more, should not in any way affect the employment opportunity of an applicant, and a record thereof which may possibly taint the applicant with wrongdoing should not be the subject of inquiry.

The Senate amended the bill, essentially, as follows: In S. D. 1, by deleting reference to "any city or county government" as to where the application for employment is made, and "on any form or orally" as to the manner by which the inquiry may not be made. In S. D. 2, by reinstating "either orally or written", and changing the year of the effective date to 1971.

Your Committee on Judiciary has effected certain non-substantive style and grammatical changes for purposes of grammar and clarity.

Your Committee is in accord with the intent and purpose of S. B. No. 391, S. D. 2, as amended herein, and recommends that it pass third reading in the form attached hereto as S. B. No. 391, S. D. 2, H. D. 1.

Signed by all members of the Committee except Representatives Baptiste and Pule.

SCRep. 701-70 Select Committees of Oahu, Maui, Hawaii and Kauai on S. B. No. 1745-70

The purpose of this bill is to amend section 46-6, Hawaii Revised Statutes, which mandates the counties to adopt ordinances requiring subdividers to set aside or dedicate land for park and playground purposes.

The existing law requires a subdivider to (1) provide land in perpetuity, or (2) to dedicate land, or (3) to pay a fee equal to the value of the land he would otherwise have had to provide or dedicate.

This bill would expand the alternatives to allow a combination of payment of money and the providing or dedication of land. In addition, this bill would allow the giving of credit for privately-owned or maintained parks and playgrounds, including the physical facilities thereon. Moreover, this bill would permit the respective counties to make exemptions and exclusions in the application of their ordinances to resolve problems peculiar to each county.

This bill also defines the term "subdivision" to include therein not only the traditional concept of subdividing land, but also that of a building or group of buildings containing three or more dwelling or lodging units in consonance with the contemporary practice of real property development where there is a concentration of people within a given area.

In reviewing the definition of the term "subdivision," however, your Committees have found it necessary to amend the last sentence of subparagraph (f)(6), so as to read as amended, as follows:

“(6) ‘Subdivision’ means the division of improved or unimproved land into two or more lots, parcels, sites, or other divisions of land and for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to, or interest in, any or all such lots, parcels, sites, or division of land. The term includes resubdivision, and when appropriate to the context, shall relate to the land subdivided. The term also includes a building or group of buildings, other than a hotel, containing or divided into three or more dwelling units or lodging units.”

The thrust of the amendment is to exclude a hotel from such definition.

Your Committees are in accord with the intent of **S. B. 1745-70, S. D. 1**, as amended in the form attached hereto as **S. B. No. 1745-70, S. D. 1, H. D. 1**, and recommend that it pass third reading.

Signed by all members of the Committees except Representative Poepoe.

SCRep. 702-70 Housing and Consumer Protection on S. B. No. 1140-70

The purpose of this bill as referred to this Committee was to provide new powers to allow the Hawaii Housing Authority to embark on a governmental housing program.

Your Committee finds that one special area requiring further legislation is that of multi-story dwellings for the elderly. The Hawaii Housing Authority informs us that there are over 1,500 applications for the elderly on their application lists.

This bill allows the Hawaii Housing Authority to provide additional flexibility in the development of high-rise dwellings for the elderly.

Your Committee is in accord with the intent and purpose of **S. B. No. 1140-70, S. D. 1**, and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 703-70 Housing and Consumer Protection on S. B. No. 1774-70

The purpose of this bill is to amend Chapter 443, Hawaii Revised Statutes to replace the function of the Attorney General as Commissioner of the Collection Agencies, and the Collection Agencies Advisory Board, with a five-member Collection Agency Board placed in the Department of Regulatory Agencies. The new board is made up of two licensees and five non-licensees.

The newly-created board will serve a regulatory, rather than advisory function. It will have the following powers and duties, among others: (a) grant licenses to collection agencies, (b) deny, suspend or revoke licenses, (c) make, amend and repeal reasonable and necessary rules and regulations and (d) enforce chapter 443 and its rules and regulations.

The make-up of the newly-created board provides for increased participation by non-licensees, in accord with present legis-

lative intent to provide for broader public participation on regulatory bodies and commissions. This structure meets the often voiced criticism that regulatory bodies are made up primarily of members of the industry being regulated.

The Department of Regulatory Agencies is to employ an executive secretary who shall administer Chapter 443 and the rules and regulations promulgated thereunder, and shall perform such ministerial duties as are specified in the bill or which may be delegated to him by the board.

The provisions of this bill conform with other state boards in regards to organization, record keeping, meetings, quorum, vacancy and hearings.

Your Committee is in accord with the intent and purpose of **S. B. 1774-70, S. D. 1**, and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 704-70 Lands on S. B. No. 1706-70

The purpose of **Senate Bill No. 1706-70, S. D. 1** is to amend Section 171-74, paragraph (3) of the Hawaii Revised Statutes by raising the annual income justification of persons qualifying for residential leases of state lands from \$6,500 a year income, including the income of the spouse to \$15,000 per year. It also deleted any reference to the income tax exemption of \$600 and substitutes in lieu thereof the words, "the standard income tax."

Your Committee has amended **S. B. 1706-70, S. D. 1**, in order to provide for sale of leaseholds or fee simple lots by drawing rather than at public auction. It will also provide for widest distribution of land to those who need it most and prevent speculation. It also establishes the maximum income limits to qualify for drawing of public residential lots and should assist the so-called "income gap group." A further provision has been made to allow land exchanges in order to provide residential lots where no state lands are available for such purpose.

Your Committee is in accord with the intent and purpose of **S. B. 1706-70, S. D. 1**, as amended herein and recommends that it pass third reading in the form attached hereto as **S. B. 1706-70, S. D. 1, H. D. 1**.

Signed by all members of the Committee except Representatives Minn, Shigemura, Taira and Aduja.

SCRep. 705-70 Tourism on S. B. No. 1262-70

The purpose of this bill is to provide for the appointment of the Kamehameha Day Celebration Commission.

The Commission would consist of 22 members appointed by the Governor, with at least one member from each of the duly recognized and listed Hawaiian organizations, as well as 1 member from each of the major islands of the State. The Governor would appoint the chairman of the Commission from among the members. The Commission would be in charge of the Kamehameha Day Celebration. The members of the Commission would serve without compensation but would be entitled to expenses.

Your Committee is in accord with the intent and purpose of **S. B. No. 1262-70, S. D. 1**, and recommends its passage on third reading.

Signed by all members of the Committee except Representatives Kunimura, Kondo, Nakama, Ajifu and Miho.

SCRep. 706-70 Lands on S. B. No. 1626-70

The purpose of this bill is to amend Section 171-84 to facilitate the construction of houses for low and moderate income families on state-owned lands.

Your Committee finds that under existing law developers under Section 202, 207, 213, 221(d)(3), 221(d)(5) or 231 of the National Housing Act are the only ones who qualified to lease residential public lands of the state for these housing purposes. However, to compensate for the fact that congress is constantly amending

the National Housing Act and changing section numbers, this bill deletes specific references to sections of the housing act and refers to the programs under the act in general terms so that our law will always be up to date. Section 221 (d)(3) has been retained because it is the definitions section.

The bill is further amended to provide that the subleasing of individual lots will be allowed with lessee retaining first right of purchase for resale to a qualified low and moderate income family in conformance with the Board of Land and Natural Resources requirements.

Your Committee is in accord with the intent and purpose of **S. B. No. 1626-70, S. D. 1** and recommends that it pass third reading.

Signed by all members of the Committee except Representative Taira.

SCRep. 707-70 Lands on S. B. No. 1196-70

The purpose of this bill is to make certain amendments to our laws governing public lands.

Section 1, paragraph (a) proposes to increase the per annum amount which the board may spend "For the incidental maintenance of public lands, including the repair of improvement thereon" from \$10,000 to \$25,000. Testimony heard by your committee indicated that the \$10,000 sum was totally inadequate for maintenance and repairs. As an example, it was brought out that one request for road repair in Waimanalo would cost \$24,000.

Section 1, paragraph (b) provides that the Board of Land and Natural Resources shall, prior to disposition of public lands, lay out and establish over and across such lands rights-of-way from the highways to public beaches, game preserves and public forests and forest reserves. This is to insure the right of the people to utilize the respective areas.

Section 1, paragraph (c) and Section 2, paragraph (b) provides that the board may, upon approval of the governor and autho-

rization of the Legislature by concurrent resolution approving the project, such concurrent resolution to be adopted by each house no earlier than twenty-four hours after printed copies thereof have been made available to the members of that house, dispose of public lands either as part of leasehold projects or for fee simple residential development. This amendment insures sufficient time for study of the concurrent resolutions.

Your Committee has amended the bill by adding a new section to chapter 171 which reads that the board may lease, by direct negotiation and without recourse to public auction, public lands to an eleemosynary organization which has been certified to be such by the director of taxation.

Your Committee is in accord with the intent and purpose of **S. B. 1196-70, S. D. 2**, as amended herein, and recommends that it pass third reading in the form attached hereto as **S. B. 1196-70, S. D. 2, H. D. 1**.

Signed by all members of the Committee except Representatives Taira and Aduja.

SCRep. 708-70 Lands on S. B. No. 1139-70

The purpose of this bill is to authorize the Land Use Commission to impose additional restrictions, as may be necessary or appropriate, in granting approval on special permits, including the adherence to representations made by the applicant.

Your Committee finds that the Land Use Commission is currently imposing additional restrictions, as it deems necessary or appropriate, however, this is being done without statutory backing. Therefore, it is the opinion of your Committee that the law should be explicit in allowing the Land Use Commission to continue this practice to prevent delays or challenges in court.

In studying the bill your Committee has made, with the concurrence of the Executive Officer, State Land Use Commission, the following amendments:

(1) All references to the "Zoning Board of Appeals" have been deleted. By eliminating all such references, one fourth of the red tape involved in processing a special permit is removed without endangering the necessary checks, thereby expediting the processing of an application and reducing the time-consuming process to the applicant and expense to the city government.

(2) Add a new section numbered "Section 205 . . . Shoreline Setbacks." This section will prevent any new structures along shorelines less than twenty feet inland from the upper reaches of the wash of waves. However, it provides a grandfather clause which exempts nonconforming structures from the limitation of the setbacks, and allows such structures to be replaced or reconstructed.

It further provides that the commission shall regulate the removal of sand, coral, rocks, soil or other beach composition within the setback area. Realizing that an abrupt cessation of all sand mining would shut down the construction industry, your Committee provided a grandfather clause which would permit such sand mining for existing operations until July 1, 1975, the cutoff date.

The commission is permitted to delegate the shoreline setbacks and rules and regulations to the counties.

Your Committee is in accord with the intent and purpose of **S. B. No. 1139-70** as amended herein and recommends that it pass third reading in the form attached hereto as **S. B. No. 1139-70, H. D. 1.**

Signed by all members of the Committee except Representative Taira.

SCRep. 709-70 Lands on S. B. No. 1153-70

The purpose of this bill is to provide means of studying and experimenting with housing projects with the objective of reducing unnecessary costs in housing construction. By allowing experimental and demonstration housing projects which need not comply with existing codes and regulations, it is hoped that new ideas of

reducing housing costs will be developed.

Your Committee is in accord with the intent and purpose of **S. B. No. 1153-70, S. D. 3**, and recommends that it pass third reading.

Signed by all members of the Committee except Representatives Taira and Aduja.

SCRep. 710-70 Lands on S. B. No. 1566-70

The purpose of this bill is to protect indigenous animal and plant life in the state by reducing the hazards and increasing the benefits involved in the deliberate introduction of animal species into habitats within the state.

Your Committee has considered the advantages and dangers of purposeful translocation of animal species. Among the former are the provision of food, recreation and control of crop insects. The dangers include the introduction of animal species that act as or carry parasites and diseases, prey upon native organisms, adversely affect native species, are scientifically or aesthetically undesirable in natural areas reserved for study or recreation or are nuisances because of over-population. Your Committee believes this bill will provide for and encourage the use of informed judgment in the matter of deliberate introductions of animal species in the state.

Your Committee is in accord with the intent and purpose of **S. B. No. 1566-70, S. D. 1** and recommends that it pass third reading.

Signed by all members of the Committee except Representative Taira.

SCRep. 711-70 Finance on S. B. No. 1977-70

The purpose of this bill is to establish a uniform policy for the fair and equitable treatment of persons and organizations displaced by the acquisition of real property by governmental agencies and public utilities for public purposes.

Progress is necessary and necessarily disruptive of the lives of those who lie in

its path. However, our concept of the quality of life should include compassion for those whom government uproots in its attempts to improve the quality of life for the majority.

At the present time, provisions for relocation assistance in this jurisdiction are not at all uniform. Your Committee has been advised, for example, that aside from federally-funded programs, neither the State nor the counties provide relocation assistance to persons and organizations displaced by public programs. This lack of assistance where dislocation results from State or county projects not only work hardships on those displaced but is highly inequitable. This bill would cure such inequity and at the same time establish a uniform relocation policy for persons and businesses displaced by State or county programs.

Your Committee is in accord with the intent and purpose of **S. B. No. 1977-70, S. D. 2, H. D. 1**, and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 712-70 Finance on S. B. No. 457

The purpose of this bill is to provide to the user a refund of all fuel taxes paid on liquid fuel in excess of one cent per gallon when such fuel is not used to operate a motor vehicle or motor vehicles upon the public highways of the State.

Your Committee has amended this bill by:

(a) limiting refunds only when the user shows that the fuel was used for agricultural equipment and was not used to operate a motor vehicle upon the public highways of the State;

(b) requiring the Department of Taxation to prescribe rules and regulations for the administration of such refunds; and

(c) converting the form of the bill in accordance with House Rule 24(2).

Your Committee is in accord with the intent and purpose of **S. B. No. 457, S. D. 2**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 457, S. D. 2, H. D. 1**.

Signed by all members of the Committee.

SCRep. 713-70 (Majority) Judiciary on S. B. No. 1244-70

As introduced, the title of this bill was: "A BILL FOR AN ACT RELATING TO THE TEMPORARY EXEMPTION OF ALIENS EMPLOYED BY THE UNIVERSITY OF HAWAII FROM THE REQUIREMENTS OF SECTION 85-32, HAWAII REVISED STATUTES", and the Senate Committee on Higher Education, to which the bill was initially referred, reported its purpose as being to exempt aliens employed by the University of Hawaii from the requirements of taking a loyalty oath, as provided in section 85-32, Hawaii Revised Statutes.

Before undertaking to review the amendments to the bill effected by the Senate, your Committee on Judiciary believes it is appropriate to briefly set forth the provisions of the present law affected by the bill. Under present law, all persons paid out of public funds are required to take a loyalty oath as a condition precedent to employment. However, in the case of aliens employed by the State or county under exceptions designated in subsections 78-1(c) and (d), Hawaii Revised Statutes, the Governor may waive the loyalty oath under section 85-32, Hawaii Revised Statutes. These exceptions allow for the obtaining of services which are essential to the public interest for which no competent person with the necessary citizenship and residency requirements applies within 45 days after advertisement or notice of the position or examination, or as to citizenship in the case of any female person who, having been a citizen, has lost her citizenship through marriage to an alien.

The Senate Committee on Higher Education in **Standing Committee Report No.**

226-70 reported as follows:

Your Committee feels that rather than singling out alien employees employed at the University from the requirement of the loyalty oath as provided in Section 85-34(3), Hawaii Revised Statutes, and providing for a separate exemption for University of Hawaii employees, as proposed in this bill, the Governor under said Section 85-34 should be given the power to waive the requirement for all classes of alien employees. Consequently, it is recommended that the words "under the exemptions designated (c) and (d) of section 78-1" in said Section 85-34(3) be deleted.

Accordingly, the bill was so amended, with which your Committee on Judiciary is in accord.

The Senate further amended the bill by substituting the word "leprosy" for "Hansen's disease" in section 85-34(1) referring to those officers or employees of the State hired for the care and treatment of persons affected with which, the Governor may waive the loyalty oath. This amendment is in accordance with section 1 of Act 152, Session Laws of Hawaii 1969 which abrogated the use of the words "Hansen's disease".

After its passage on second reading, the bill was recommitted to the Senate Committee on Higher Education, at which time the title change was effected and certain non-substantive changes were made for purposes of style.

Your Committee on Judiciary is in accord with the intent and purpose of S. B. No. 1244-70, S. D. 2, and recommends that it pass third reading.

Signed by all members of the Committee except Representatives Baptiste, Dupont and Pule. Representatives Judd and Miho did not concur.

SCRep. 714-70 Judiciary on S. B. No. 1743-70

This bill has several purposes, which are substantially as follows:

1. To permit the removal of the certificate of registration from a motor vehicle for the purpose of applying for renewal, transfer of ownership, or recording a change in registration.

2. To permit the director of finance to annually microfilm registration and ownership records and to destroy the originals.

3. To permit the purchaser of a motor vehicle which carries a currently valid certificate of safety inspection to record the transfer of ownership and registration thereto without obtaining a new certificate of safety inspection.

4. To provide for a single application form for obtaining a duplicate certificate of ownership and transfer of ownership, both transactions to be accomplished in one step, where the certificate of ownership is lost, stolen, or mutilated and the owner has determined to transfer the motor vehicle.

The amendment to section 286-47(3), which permits the removal of the certificate of registration from the motor vehicle, would encourage the public to use the mail to transact its business involving its use. In its present form, the law requires that such certificates be kept in or on the motor vehicle at all times, which means that a removal thereof for any reason constitutes a technical violation of the law.

The amendment to section 286-45, which permits the director of finance to annually microfilm registration and ownership records and to destroy the originals, will save the counties valuable office space, which even presently are overcrowded with records.

The amendment to section 286-26(d), which permits the purchaser of a motor vehicle to record the transfer of ownership and registration thereof without obtaining a new certificate of safety inspection if the motor vehicle carries a currently valid one, alleviates the unreasonable burden imposed upon purchasers under the existing law, both in time and money, in having to obtain a new certificate of safety inspection notwithstanding that the vehicle

already carries one which is currently valid.

The amendment to section 286-55 will relieve the transferor whose certificate of ownership has been lost, stolen, or mutilated from the inconvenience of applying for a duplicate certificate as a condition precedent to releasing his interest in the motor vehicle. Under the existing law, such person must first apply for a duplicate certificate which he signs, thereby releasing his interest, which he then gives to the transferee, who then signs and applies for the transfer. Under the proposed amendment, the transferor will secure a new application form, sign it, give it to the transferee who will then file the same for a duplicate certificate of ownership and transfer in one step.

Testimony received from the Department of Finance, City and County of Honolulu, upon your Committee's consideration of companion **House Bill No. 1910-70** to the effect that the provision under the immediately aforementioned section requiring the payment of \$1.00 for issuance of a duplicate certificate of registration ownership in case of loss, mutilation or illegibility was not intended to be deleted as inadvertently occurred in the conversion of this bill for introduction. The Senate, being similarly apprised, amended the bill to delete the deletion.

Your Committee is in accord with the intent and purpose of **S. B. No. 1743-70, S. D. 1**, and recommends that it pass third reading.

Signed by all members of the Committee except Representatives Baptiste, Duponte and Pule.

SCRep. 715-70 Public Utilities on S. B. No. 1650-70

The purpose of **S. B. No. 1650-70, S. D. 1**, is to amend Section 291-34, Hawaii Revised Statutes, to allow vehicles between 14 to 18 feet in length to carry a greater payload, but not to such an extent as would constitute a hazard.

Your Committee is in agreement with

the findings and recommendations of the Senate Committee on Utilities, and with the amendments to this bill made by that Committee.

Your Committee is in accord with the intent and purpose of **S. B. No. 1650-70, S. D. 1**, and recommends that it pass third reading.

Signed by all members of the Committee except Representatives Duponte, Taira, Judd and Miho.

SCRep. 716-70 Education on S. B. No. 1689-70

The purpose of this bill is to amend the State Constitution to provide for a School Board to be selected in accordance with law. The bill also provides for at least part of the membership of the board to represent geographic subdivisions of the State.

In the legislative apportionment cases (**Kirkpatrick v. Preisler**, 394 UW 526 (1969); **Wells v. Rockefeller**, 394 WS 542 (1969); **Swann v. Adams**, 385 US 440 (1967)), the U.S. Supreme Court has set forth the general rule that the Equal Protection Clause of the Fourteenth Amendment requires that each qualified voter must be allowed an equal opportunity to participate in an election, and when members of an elected body are chosen from separate districts, each district must be established on a basis which will insure, as far as practicable, that equal number of voters can vote proportionately for equal numbers of people whenever a state or local government decides to select persons by popular election to perform governmental functions. In the **Hadley v. Junior College District of Metropolitan City** case relating to school board apportionment, the U.S. Supreme Court emphasized that although particular elected offices varied in their functions and powers, a constant factor is the state's policy and intent to have citizens participate individually by ballot in the selection of people to carry out governmental functions. Thus, the Court stated, "If one persons' vote is given less weight through unequal apportionment, his right to equal participation is impaired just as

much when he votes for a school board member as when he votes for a state legislator." 38 L.W. 4162.

In view of the **Hadley** case, the Attorney General of Hawaii was requested to render an opinion as to whether the present apportionment of the State Board of Education comported with constitutional requirements. In Opinion No. 70-5, the Attorney General concluded that the Board of Education is presently mal-apportioned and therefore cannot pass the test of constitutionality under the criteria established by the U.S. Supreme Court in the apportionment cases.

Your Committee at its hearing heard testimony on various plans to reapportion the Board on the principle of one man-one vote as espoused by the United States Supreme Court. Your Committee learned that mathematical exactitude was approached with each increase in the number of members. This would mean, therefore, that in order to meet the test of constitutionality, the school board would have to be composed of twenty-five members, depending on the degree of mathematical exactitude demanded by court decisions.

However, it is the feeling of your Committee that a board of more than 15 members is too large and unwieldy to be practicable. Therefore, the idea of continuing our Board as an elective body is hereby rejected as a political concept, worthy though it may be but impractical and obsolete under the one man-one vote ruling of the courts.

Your Committee feels that the State Constitution, as presently worded, restricts the legislature from considering other than electoral means for the selection of members of the State Board of Education. Hence, a change in our Constitution as proposed in this bill is recommended.

The provisions of this bill would not at this time affect the selection of either the State Board of Education or the Superintendent of Education, as there are presently on the statute books laws which provide for the election of the Board and its selection of the Superintendent.

Your Committee has amended the bill to provide for the execution of control over the public schools "through an executive officer the Superintendent of Education."

Your Committee has further amended the bill for the proposed constitutional change to be effective January 1, 1973.

Your Committee is in accord with the intent and purpose of **S. B. No. 1689-70, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1689-70, S. D. 1, H. D. 1**.

Signed by all members of the Committee.

SCRep. 717-70 Printing and Revisions

Informing the House that **Standing Committee Report Nos. 663-70 to 716-70, House Resolution Nos. 332 to 336, House Concurrent Resolution Nos. 113 to 115 and Standing Committee Report Nos. 718-70 to 737-70** have been printed and distributed.

Signed by all members of the Committee except Representative Oshiro.

SCRep. 718-70 Education on H. R. No. 312

The purpose of this Resolution is to request the Department of Education to study the feasibility of establishing a central pool of band instruments, school books and other materials in the various school districts.

The demand for band instruments, certain school books and other school materials is dependent upon the number of students electing these special classes in any given year. The classes often vary in size thus creating a surplus or shortage of instruments or books during that year.

Your Committee believes that the central district pool in each district, besides maintaining the instruments, books and other materials, can make needed distribution of equipment and materials to the various schools in the district as the case may be.

Your Committee is in accord with the intent and purpose of this Resolution and recommends its adoption.

Signed by all members of the Committee.

SCRep. 719-70 Education on H. C. R. No. 99

The purpose of this concurrent resolution is to request the Department of Budget and Finance to conduct a comprehensive study of the Department of Education's utilization and staffing of clerical positions in the public schools and public libraries.

Your Committee notes that there have been numerous requests of the Legislature for additional clerical help for teachers, school and public librarians, counselors, school administrators, and other professionals in the department. However, no one has ever studied this problem as a statewide departmental problem; hence there is no study giving detailed information to show the kind and number of clerical help needed by all of the different kinds of professional staffs which exist today in our public school and public library systems. Therefore, clerical assistance in the schools and libraries has been provided thus far on a fragmented piece-meal basis.

Both the Department of Education and the Department of Budget and Finance agree that this kind of overall study is necessary and timely.

The Hawaii Counselors' Association, the Hawaii Educational Secretaries' Association and the Hawaii Association of School Librarians also testified in favor of this concurrent resolution.

The study will include an analysis of the present staffing criteria, a summary of the number and kinds of clerical positions presently utilized in the schools, and a determination of the additional resources required to provide the additional clerical assistance needed.

Your Committee is in accord with the intent and purpose of **House Concurrent Resolution No. 99** and recommends its

adoption.

Signed by all members of the Committee.

SCRep. 720-70 (Majority) Finance on S. C. R. No. 59

The purpose of this Concurrent Resolution is to request the Congress of the United States, in its consideration of H. R. 14465, to assure the retention of the existing ticket tax exemption afforded State and local employees when traveling on official business.

H. R. 14465, presently pending in the United States Congress, would repeal the existing ticket tax exemption. Your Committee feels that Hawaii's State and local employees who frequently attend conferences on the mainland, many of which are in connection with Federal programs, have no alternative and less costly means of transportation such as is available to employees of mainland states except by common carrier.

Your Committee is in accord with the intent and purpose of **S. C. R. No. 59** and recommends its adoption.

Signed by all members of the Committee. Representative Lee did not concur.

SCRep. 721-70 Lands on S. C. R. No. 43

The purpose of this concurrent resolution is to request the Division of State Parks, Department of Land and Natural Resources, to take the following steps toward preservation of the integrity of Diamond Head State Monument:

(1) Review the 1967 report by Pacific Planners (the State's Consultant on Diamond Head), the adopted report of the Board of Land and Natural Resources of March 1968 and the 1969 report and recommendations of the State Defense Department Diamond Head Crater Task Force on the Future Uses of Diamond Head Crater;

(2) Prepare a detailed map of the Diamond Head State Monument boundaries

as adopted by the Board of Land and Natural Resources in March 1968;

(3) Establish preservation criteria and control concepts for the state-owned lands comprising the Diamond Head State Monument area;

(4) Have the Hawaii Foundation for History and the Humanities serve as the advisory committee to review the historic preservation plans for Diamond Head developed by the Division of State Parks.

Your Committee finds that Act 249, SLH 1965 (now Sec. 6-15, Hawaii Revised Statutes) established Diamond Head as a state monument and historic site to be administered by the Department of Land and Natural Resources and, further, that the Department of Interior designated Diamond Head as a registered natural landmark in 1968. In recognition of these decisions the Department of Land and Natural Resources had studies done on the visual, historical, geological and ecological aspects of Diamond Head and the State Department of Defense appointed a task force to formulate recommendations on the future use of the crater.

Your Committee is of the opinion that the proposals of this resolution, in conjunction with the report and recommendations of both studies, will greatly facilitate the development of long-range goals in the preservation of Diamond Head as a natural landmark, the enhancement of its natural beauty and that of its environs, and the preservation of historic sites in the Diamond Head area.

Your Committee is in accord with the intent and purpose of **S. C. R. No. 43, S. D. 1**, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 722-70 Lands on S. C. R. No. 44

The purpose of this concurrent resolution is to request the City and County of Honolulu to consider creating, pursuant to Article 12 of the Comprehensive Zoning Code, an Historic, Cultural and Scenic

District for the urban environs of Diamond Head for the protection of the Diamond Head State Monument. During its deliberations the city and county is to consider the following:

(1) Creation of a Historic, Cultural and Scenic District for the urban environs of Diamond Head for the protection of the state monument;

(2) Review the 1967 study by Pacific Planners, the State's Consultant on Diamond Head, and the adopted report of the Board of Land and Natural Resources of March 1968 to aid in its planning of this Historic, Cultural and Scenic District;

(3) City and County of Honolulu to work cooperatively with the Division of State Parks, Department of Land and Natural Resources, and the Hawaii Foundation for History and the Humanities in its preservation planning.

Your Committee finds that the joint state and city-county effort proposed in this resolution is particularly important since Diamond Head rests partly in the conservation district controlled by the state and partly in the urban district administered by the city and county. Your Committee is of the opinion that the key to the proper development of Hawaii's most famous landmarks, for now and the future, rests in this type of coordinated effort.

Your Committee is in accord with the intent and purpose of **S. C. R. No. 44, S. D. 1**, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 723-70 Lands on H. C. R. No. 111

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to conduct a study which shall survey the several possibilities for the development of Kahana Valley including a modified Williamsburg concept, describe the choices, values and the costs of each and recommend a long-term policy for Kahana Valley. The findings and recommendation of the study will be

reported to the Legislature twenty days before the convening of the Regular Session of 1971.

Your Committee finds that Kahana Valley was condemned in its entirety by the state in 1964 for park and recreational purposes and as a result the residents of the valley will have to relocate. However, during a recent public hearing held by your Committee and an inspection trip to Kahana by members of the Committee, the residents of the area expressed a strong reluctance to leave the valley. Many of the residents, who are former landowners, could trace their landholdings back to the great Mahele. In addition, the "glamour and excitement" of the urban areas were not acceptable substitutes for the peace and serenity the residents experienced living in the valley. Their mode of living — fishing in the bay and river, hunting wild game in the valley, planting of rice and taro, communal cooperation, etc. — was in sharp contrast to the profit motive which characterizes urban living. Thus, it would be most unfortunate to both the residents of the valley and the state if this classic example of Hawaiiana were lost forever.

One alternative presented, which would continue to promote the recreational, educational, cultural, economic, historic and scenic aspects of the area as well as provide for the welfare of the present residents who do not wish to relocate, was to reserve sufficient acreage at the mouth of the valley for public park and recreational facilities with the rest of the valley restored to simulate past Hawaiian culture. Historic restoration would allow the present residents of Kahana Valley to continue living in the valley while at the same time preserving for public edification some of the early Hawaiian practices, such as growing of taro, canoe-making and other activities. The success of such a venture has been demonstrated in other states, the most outstanding example of which is Colonial Williamsburg.

In view of the expressed desire of the residents of the valley and the alternatives for the development of the valley, your Committee is of the opinion that the Department of Land and Natural

Resources should reconsider its present plans for Kahana Valley, and should in fact survey the several possibilities for the development of Kahana Valley, including a modified Williamsburg concept, describe the choices and the values, and the costs of each and recommend a long-term policy for Kahana Valley.

Your Committee is in accord with the intent and purpose of **H. C. R. No. 111**, as amended herein, and recommends its adoption in the form attached hereto as **H. C. R. No. 111, H. D. 1.**

Signed by all members of the Committee.

SCRep. 724-70 Lands on H. R. No. 162

The purpose of this resolution is to request the Department of Land and Natural Resources to make land available to the County of Hawaii in the Komohana area for the purpose of a county park. It further requests the mayor and county council of Hawaii to plan, develop and equip a county park in the Komohana area.

Your Committee finds that available park and playground facilities are not readily accessible to the residents of the Komohana area, particularly the younger children, because they are too far. Therefore, it is the opinion of your Committee that additional and expanded recreational facilities are necessary for the public health and welfare of the area. The problem is somewhat eased by the fact that state lands that could be appropriately used for park and recreation purposes are available in the Komohana area.

Your Committee is in accord with the intent and purpose of **H. R. No. 162** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 725-70 Lands on H. R. No. 263

The purpose of this resolution is to request the Department of Land and Natural Resources to conduct a statewide survey of private beaches and to study the feasi-

bility of eventual purchase or condemnation of these beaches, including rights-of-way, for public use. It further requests that the department submit a report of its survey to the Legislature ten days prior to the convening of the Regular Session of 1971.

Your Committee finds that the beaches and ocean of Hawaii are two of the major recreation resources which symbolize the islands. Therefore, it is of paramount importance that they be used wisely so they will always retain their tropical island character and be available to the resident and visitor population. Unfortunately, however, these resources are becoming scarce because of expanded use by the public and acquisition by private developers.

In his report to the City and County of Honolulu, Mr. Sanford Hill, consultant for the Department of Parks and Recreation stated: "As the visitor and resident population expands, the percentage of the total population who can live on beach frontage will become smaller. It is for this reason that a large percentage of the beaches should be established as public beach parks with adequate rights-of-way to accommodate the resident and visitor population that cannot live near the shoreline. Eventually as high as 70 per cent of the people may live mauka of the beaches." While this report pertained to Oahu, your Committee is of the opinion that this condition will also become a reality on the neighbor islands within a few years; that is, unless steps are taken now to prevent such a situation.

Your Committee is in accord with the intent and purpose of **H. R. No. 263** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 726-70 Lands on H. R. No. 303

The purpose of this resolution is to request the Department of Land and Natural Resources to investigate and study the feasibility of establishing a trout hatchery and farm at Kokee State Park on the island of Kauai, and to include a determination

of the approximate cost of establishing such a trout hatchery and farm. It further requests the department to report the results of the study to the Legislature 20 days prior to the convening of the Regular Session of 1971.

With the increasing demand for recreational activities, including recreational fishing, your committee finds that the proposed study is timely and should be accomplished. The Kokee State Park offers ideal conditions for the development of trout fishing because of the numerous fresh water streams and, further, because the water temperature is suited for trout culture. A trout hatchery and farm, which would cultivate trout fingerlings for release in nearby streams in sufficient numbers for sport fishing, would benefit not only the residents of Kauai, but also the many throughout the state, including visitors, who delight in catching and eating this delicacy.

Your Committee is in accord with the intent and purpose of **H. R. No. 303** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 727-70 Select Committee of Kauai Representatives on H. R. No. 301

The purpose of this Resolution is to request the Department of Transportation to investigate the feasibility of dredging the channel at Kikiaola Small Boat Harbor at Kekaha, County of Kauai. The Department is further requested to report its findings to the Legislature at least ten days prior to convening of the Regular Session of 1971.

Your Committee finds that the dredging of this channel would improve the safety and provide for the highest use of the harbor. Presently, Kikiaola's highest use by fishing boats is precluded by dangerous surge waters and it is the only shelter on the west side of the island of Kauai.

Your Committee is in accord with the intent and purpose of **H. R. No. 301** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 728-70 Select Committee of Kauai Representatives on **H. R. No. 302**

The purpose of this Resolution is contained in its title.

Your Committee finds that under the auspices of P.L. 89-136 (Public Works and Economic Development Act of 1965) and various amendments to that Act, the designation of the County of Kauai as a "redevelopment area" would create a cooperative effort with the county and state governments to broaden a critically contracted economic base in the County.

Your Committee is in accord with the intent and purpose of **H. R. No. 302** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 729-70 Housing and Consumer Protection on **S. C. R. No. 8**

The purpose of this concurrent resolution is to request the Hawaii Newspaper Publishers Association, the Honolulu Advertising Club, and the Honolulu Press Club, in cooperation with individual advertisers, industries, trade groups, and representatives of the major mass media in the State, to establish a code of behavior for advertising, including provisions for self-regulation that will lead to voluntary cessation of advertisements that promote violence through offerings of weapons, dangerous instruments, and destructive devices in which the inducement to the public consists predominantly of appeals to man's violent or offensive instincts; and to report on the code to the President of the Senate and the Speaker of the House of Representatives prior to the convening of the 1971 Regular Session of the Legislature.

Your Committee finds that there is a need for thoughtful control of advertising which appeals to man's violent instincts, and that such need should be met by self-regulation by the advertising media.

Your Committee on Housing and Consumer Protection is in accord with the intent and purpose of **S. C. R. No. 8** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 730-70 Housing and Consumer Protection on **S. C. R. No. 69**

The Hawaii Council for Housing Action, a non-profit organization, made up of various organizations has done an excellent job in providing homes for families in the low and moderate income groups.

This Senate Concurrent Resolution extends its appreciation to the organization's sponsors and directors and request their continued efforts on behalf of the families of low and moderate income.

Your Committee is in accord with the intent and purpose of **S. C. R. No. 69** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 731-70 Tourism on **H. R. No. 259**

The purpose of this Resolution is to request the air and surface carriers to continue their cooperation with the Hawaii Visitors Bureau in maintaining the Hawaii Visitors Bureau basic data program.

Since 1950, the Hawaii Visitors Bureau basic data program has provided Hawaii with monthly statistics on the numbers of characteristics of passengers traveling from the mainland to Hawaii. This program has been of much value to the State in conducting travel and tourism research, manpower and demographic studies and other purposes.

However, the advent of larger aircraft and continued growth of travel to Hawaii has increased the difficulty of distributing and collecting the forms on which this program is based. Therefore, certain airline officials have recommended that the program be drastically curtailed. The curtailment of this program would seriously

handicap the State by reducing the accuracy of the annual data. It is in the public interest that these carriers be requested to continue and participate in this program in the same manner as it is presently done: by distributing passenger information forms to all incoming passengers aboard ships and aircraft arriving from the mainland, then collecting these forms and submitting them to an authorized representative of the State of Hawaii or Hawaii Visitors Bureau.

Your Committee concurs with the purpose of **H. R. No. 259** and recommends its adoption.

Signed by all members of the Committee except Representatives Kunimura and Fong.

SCRep. 732-70 Tourism on **H. C. R. No. 96**

The purpose of this Resolution, as amended herein, is to request the Department of Transportation to post signs in Japanese, Tagalog and Chinese, as well as English at Honolulu International Airport.

As originally worded this Resolution requested the posting of signs in English and Japanese only. Your Committee notes that there is an increase in Philippine and Chinese visitors to Hawaii and therefore has amended this Resolution to accommodate these peoples by posting signs in their languages as well.

Your Committee concurs with the purpose of **H. C. R. No. 96**, as amended herein, and recommends its adoption in the form attached hereto as **H. C. R. No. 96, H. D. 1**.

Signed by all members of the Committee except Representatives Kunimura and Fong.

SCRep. 733-70 Tourism on **S. C. R. No. 30**

The purpose of this Resolution is to seek the perpetuation of Hawaii's aloha spirit by encouraging the sharing of authentic

Hawaiiana and regional art forms with visitors, by encouraging the use of live Hawaiian music and entertainment and by encouraging schools and cultural circles to foster interest in ethnic arts.

Your Committee concurs with the purpose of **S. C. R. 30, S. D. 1**, and recommends its adoption.

Signed by all members of the Committee except Representatives Kunimura, Kondo, Nakama, Ajifu and Miho.

SCRep. 734-70 Tourism on **S. C. R. No. 62**

The purpose of this resolution is to invite the Pacific Area Travel Association to hold its annual convention in Hawaii to commemorate the 25th anniversary of its founding.

Your Committee concurs with the purpose of this Resolution and recommends its adoption.

Signed by all members of the Committee except Representatives Kunimura and Fong.

SCRep. 735-70 Tourism on **S. C. R. No. 40**

The purpose of this concurrent resolution is to request Hawaii's visitor industry to institute a system of training, certification, and recognition of achievement for workers who provide service to the visitor at all levels.

It is widely recognized that there is a manpower shortage in the visitor industry and efforts have been commenced to meet this shortage. However, the mere training of personnel to a minimal level of occupational competence will not suffice and a system of recognizing competence and achievement beyond the foregoing level should be instituted. The system should preferably provide non-economic as well as economic gains for workers such as certification of competent personnel and other ways in which achievement can be accorded recognition.

Your Committee concurs with the purpose of **S. C. R. No. 40** and recommends its adoption.

Signed by all members of the Committee except Representatives Kunimura, Kimura, Fong and Miho.

SCRep. 736-70 Tourism on **S. C. R. No. 32**

The purpose of this Concurrent Resolution is to request the Hawaii Visitors Bureau to coordinate all tourism development activities within the private sector and to work closely with State and County public agencies to insure that the development of the tourist industry will be an integral part of the overall planning and development of the State of Hawaii.

Your Committee concurs with the purpose of **S. C. R. No. 32**, **S. D. 1**, and recommends its adoption.

Signed by all members of the Committee except Representatives Kunimura, Kimura, Fong and Miho.

SCRep. 737-70 Finance on **S. B. No. 1983-70**

The purpose of this bill is to prescribe the procedure to be used in the determination of the indebtedness of the State.

Section 3 of Article VI of the State Constitution provides for a number of exclusions of bonds when determining the debt limitation of the State. It also provides that such exclusions of the debt be made annually and certified by law or as prescribed by law.

Your Committee finds that the intent of the bill will meet the requirements of the above provision of the Constitution of the State of Hawaii. Your Committee also recognizes that the bill was drafted by Wood King Dawson Love & Sabatine, bond counsel for the State.

Your Committee is in accord with the intent and purpose of **S. B. No. 1983-70**, **S. D. 1**, and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 738-70 Higher Education on **H. R. No. 231**

The purpose of this resolution is to officially recognize and support the educational and creative efforts of the First National Environmental Teach-In, and to encourage the participation of the University of Hawaii, the Departments of Education, Health, Land and Natural Resources, conservation groups, and mass media in this project.

The word "ecology" has suddenly become a part of our working vocabularies, and our environment, which has so long been unnoticed or taken for granted has suddenly, and rightly become the cause celebre of enlightened people all over the world. Clubs, associations, societies and the like have sprung up all over the country, their spread being as fast or faster than that of the pollution with which they would deal. Ecology has become a band wagon crusade, of the magnitude of apple pie and the American Flag. This is commendable, and your Committee would of course like to join in the crusade.

There is a grave danger, however, in doing too much too fast, because, in the long run, we may find that we have merely treated a symptom, while the cancerous cause has proliferated unchecked, to rear its Hydra's head in another area. Instead, your Committee would recommend caution; a pragmatic, logical, and systematic study of the problems, their scope, and their alternative solutions. Any complete analysis of the problem must be cross-disciplinary, and must involve all facets of our society. In this context, the environmental teach-in planned for April 22, 1970, can have particular relevance and significance. Education, and the exchange of divergent ideas can be very beneficial in the crucial process of master-planning our environmental salvation.

Your Committee lauds Zero Population Growth, and the Friends of the Earth Society, coordinators of this project, for taking the initiative to organize this Environ-

mental Teach-In, and wishes the project tremendous success. We strongly urge other organizations and groups not mentioned in this resolution, to lend their support and participation to this worthwhile project.

Your Committee is in accord with the intent and purpose of this resolution, and recommends its adoption in the amended form attached hereto as **H. R. No. 231, H. D. 1.**

Signed by all members of the Committee.

SCRep. 739-70 (Majority) Finance on **S. B. No. 1327-70**

The purpose of this bill is to provide for a comprehensive attack upon the housing crisis in the State of Hawaii. The approach of this bill as explained in **SENATE STAND. COM. REP. NO. 448-70**, is to broaden the powers and functions of the Hawaii Housing Authority in the administration and development of low and middle income housing projects. Your Committee finds that any approach to the solution of the housing crisis in the State of Hawaii must be broadly based and taken into account all of the inter-related, physical environmental and social aspects of housing. Therefore, your Committee has amended this bill in its entirety by substituting therefore, the contents of **H. B. No. 397, H. D. 2**, including the title.

The purpose of this bill as amended herein is two-fold. **First**, it creates a new department to mobilize the resources of the State to plan, implement and promote programs designed to increase the availability of decent housing at reasonable cost to the residents of the State and to raise the quality of life in the communities. **Second**, it provides specific new programs by which the critical need for housing at reasonable cost might be met.

QUALITY OF LIFE

The current housing crisis is but one of many social ills imposed on our communities by increasing population, creeping urbanization and advancing technology.

Poverty, crime, pollution, noise, communications, transportation and recreation are other issues which have emerged, demanding public attention. All of these problems — housing, the environment and urbanization — affect the quality of life of our residents.

That a resolution of these issues is complex is acknowledged by all. It is becoming increasingly evident, however, that the issues are inter-related and that none of them can be successfully resolved without considering the others. For example, housing created simply for its own sake may be the beginning of a new slum. Your Committee believes that an integrated, rather than a fragmented effort is required in coping with these multitude of problems. Thus, any effort on the part of the State to improve the quality of life of our citizens should be a coordinated one, taking into account, shelter, environment, and the social and physical needs of the people.

HOUSING

The specific issue of housing can be intelligently discussed and the resources of government effectively mobilized to cope with the immediate needs in this area only if it is viewed in a proper perspective. The current critical nature of the housing issue arises from a **shortage** in the supply of adequate dwelling quarters. It is the shortage which in a large part accounts for people living in substandard quarters, for landlord failing to keep rental quarters in a decent state of repair, and for rentals being charged to tenants of rented dwellings at rates considered exorbitant. This being so, any governmental effort to cope with the housing problem must be directed to increasing the availability of decent housing at reasonable cost.

AMENDMENTS

S. B. No. 1327-70, S. D. 1, H. D. 1, has been amended by your Committee to reflect the viewpoints expressed above. Thus, the department of housing proposed in **S. B. No. 1327-70, S. D. 1, H. D. 1**, has been expanded to include environmental control and urban affairs to furnish that coordination required in resolving all

issues relating to the quality of life of our people. The bill has been further amended to make availability of decent housing at reasonable cost the central focus of the State's efforts.

The bill, as amended by your Committee, consists of seven parts. Part I of the bill creates a new department of housing, environmental control and urban affairs. Parts II to V propose new programs to cope specifically with the housing problem in the State. Part VI amends existing programs which deal with housing. Part VII contains an appropriation to effectuate the purposes of the act, a severability clause and the effective date of the act. A further, brief explanation of each part is as follows:

Part I. Part I of the bill creates a new department of housing, environmental control and urban affairs. The general function of this new department is to plan, implement and promote programs designed to improve the quality of life of our people. It has the responsibility of administering programs in housing, air, water, noise and other pollution, urbanization and community development in a coordinated fashion. All existing programs relating to housing, environmental control and urban affairs are transferred to this new department. The Governor is permitted until July 1, 1972, to effectuate the transfer by executive orders, and he is requested to submit to the Legislature at the 1971 and 1972 sessions, such other legislation as may be required to effectuate the purposes of the creation of the new department.

Parts II to V. generally. Parts II to V generally spell out four different programs designed to combat the shortage of housing which now exists. The order in which the programs are arranged by parts indicates what your Committee believes should be the priorities of the State. In all programs, your Committee expects the department of housing, environmental control and urban affairs to set reasonable standards to which the individual qualifying under the respective programs are to be selected to receive the benefits of the programs.

Part II. Part II is designed to assist those

who earn sufficient income but who do not have the necessary funds to make a down payment to qualify for a loan at a private lending institution in the purchase of a residence. The program designed in this part makes State funds available as loans to these persons to enable them to make the required down payment. The down payment is repayable over a period not exceeding forty years, and the interest rate on the down payment loan is kept to a minimum. The long time period for repayment is being provided in the light of the high monthly payments now being required by private lending institutions on the loans they make for the balance of the purchase price.

Part III. Part III of the bill is intended to assist persons of low or moderate income, the aged and those evicted by governmental action (such as persons displaced by a urban renewal program). A person of low or moderate income is defined in the bill as a person having a gross income of not more than \$15,000 per annum, including the gross income of the spouse where a husband and wife are living together. These groups of people traditionally find it difficult to secure loans from private lending institutions to purchase a home because of their limited income or age. Under the program designed in Part III, the State may act as an insurer of the top twenty-five per cent of the unpaid principal balance of any loan made by a private institution.

Part IV. Part IV provides a means by which any shortage of home mortgage loan moneys occurring in the private sector may be alleviated. This part makes State funds available for participation in any loan made by private lending institution in the purchase of residences by persons of low or moderate income, the aged and those evicted by governmental action.

Part V. Part V empowers the department of housing, environmental control and urban affairs to acquire private and State lands and to develop housing projects for sale, lease or rent to the residents of the State. In accordance with the approach taken by your Committee, the department is authorized to acquire by eminent domain

or through negotiations, existing housing projects and related facilities and to sell, lease or rent the dwelling units therein. Where the department develops a new housing project, the bill calls for a community planning approach to be taken. Such development may be undertaken by the department itself or contracted out to a developer or contractor via the sealed tender procedure.

The bill provides that in the case of the sale of any dwelling units in any housing project, the department recover at least the cost of the development. However, in the event of rental, the department is authorized to rent at rentals reasonably commensurate with the financial ability of the purchaser. So set, the rental in many cases will not recover the cost of development, except perhaps over an extended period of time. Your Committee believes and so directs the department that priority should be given to the rental of the dwelling units, rather than a sale, as probably the fastest means of making decent housing at reasonable cost available in greater numbers in the State of Hawaii.

In all of the different programs contained in Parts II to V, your Committee believes that sufficient safeguards are incorporated to prevent speculation.

Part VI. Part VI of the bill amends certain existing housing and related programs. It incorporates the contents of the following other bills which are now in your Committee: **H. B. No. 1274-70; H. B. No. 1275-70, H. D. 1; H. B. No. 1280-70, H. D. 1; and H. B. No. 1730-70, H. D. 1.**

Part VII. Part VII contains provisions relating to severability of the bill, provides an appropriation from the general fund to carry out the purposes of the act and sets forth the effective date. Of the total appropriation of \$2,500,000, the sum of \$300,000 is set aside for the purpose of administering the various programs (Parts II to V) contained in the bill. This sum of \$300,000 is in addition to all moneys appropriated under the general appropriations act enacted at this session of the Legislature and contemplates the addition of not more than eighteen new positions, thusly:

Administrative Office (8)

- 1 Director
- 1 Deputy Director
- 1 Secretary to Director
- 1 Secretary to Deputy Director
- 1 Personnel Officer
- 1 Personnel Clerk
- 1 Fiscal Officer
- 1 Account Clerk

Program Personnel (10)

- 1 Attorney
- 1 Program Planner
- 1 Finance Administrator
- 1 Account Clerk II
- 1 Stenographer III
- 1 Stenographer II
- 1 Management Administrator
- 1 Stenographer III
- 1 Civil Engineer
- 1 Clerk-Stenographer II

With respect to the effective date, since the full implementation of the creation of the department of housing, environmental control and urban affairs need not be had until July 1, 1972, the bill provides that until such full implementation, the programs set forth in Parts II to V shall be carried out by the Hawaii Housing Authority. In addition, the bill provides that the functions set forth in chapter 206, shall also be carried out by the Hawaii Housing Authority until the department of housing, environmental control and urban affairs is fully effectuated. Your Committee has singled out this program from all others which are subject to transfer to the new department, since this program is not now in operation and thus there will be little difficulty in having this program operated by the Hawaii Housing Authority.

Your Committee has clarified the exemption with regard to the rules and regulations of the Public Utilities Commission in Section 42.

RECOMMENDATION

Your Committee is in accord with the intent and purpose of **S. B. No. 1327-70, S. D. 1, H. D. 1**, as amended herein, and recommends that it pass third reading in the form attached hereto as **S. B. No. 1327-70, S. D. 1, H. D. 2**.

Signed by all members of the Committee except Representative Lee. Representative Devereux did not concur.

SCRep. 740-70 Select Committee of Oahu Representatives on **H. R. No. 286**

The purpose of this resolution is to request the Department of Transportation and the U.S. Corps of Engineers to study the feasibility of adopting the proposal known as the "Akaka Plan" for Waikiki Beach.

The "Akaka Plan" calls for a Hawaiian-style rock structure and protected lagoon for bathers and swimmers, an increase of beach land area and the preservation of surfing areas. This proposal may be the best solution to the problem of increasing beach land area at Waikiki while at the same time preserving the surfing areas and the beauty of Waikiki.

Your Committee concurs with the purpose of **H. R. No. 286** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 741-70 Lands on **H. R. No. 180**

The purpose of this resolution is to designate Hui Ko'olau as the ecological model for community planning and development and environmental control for the State of Hawaii.

Your Committee finds that both the Legislature and the public are aware of the increasing need for preserving and improving the quality of the environment of the State of Hawaii and its physical resources, and, further, are aware of the need for investigating feasible and meaningful methods by which environmental preservation, control and planning might be achieved. Your Committee also finds that one of the most feasible and meaningful methods is for a community to organize itself to plan and control its own growth and development, and the use of its own social, economic and physical resources.

Hui Ko'olau of Windward Oahu, repre-

senting the greater Kahaluu area, including at least sixteen neighborhood clusters with a membership of over six hundred, is such a community organization. It is organized expressly for the purpose of developing long-range goals for the development and control of environmental resources of the area. As an example of its capabilities for planning, implementing and controlling programs and activities in the community interest, the Hui has developed a master plan for the greater Kahaluu area and has worked cooperatively on a flood control plan and with the Windward Oahu soil and water conservation district.

In view of its proven capabilities, your Committee is of the opinion that the Hui Ko'olau should be established as an ecological model for the benefit of other communities, as well as for the promotion of cooperation, coordination and assistance by the several state and county agencies with such community organizations. In line with this, the Department of Land and Natural Resources is requested to provide any staff assistance deemed necessary for the furtherance of the goals and operations of this organization.

Your Committee is in accord with the intent and purpose of **H. R. No. 180** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 742-70 Lands on **H. C. R. No. 45**

The purpose of this concurrent resolution is to provide legislative support for a self-propelled water transportation system between Honolulu International Airport and an area at or near Waikiki, to be instituted by private enterprise, and to urge the Public Utilities Commission to issue a certificate of public necessity and convenience to an applicant to operate such a service in accordance with the rules and regulations of the Public Utilities Commission.

Your Committee finds that present transportation means are very rapidly becoming inadequate, and, in terms of

long-range planning for future transportation requirements, it is readily apparent that alternate means of transportation will be necessary to relieve traffic congestion and to decrease environmental and air pollution.

One major proposal offered is the feasibility of water transportation.

Your Committee is of the opinion that the proposal has merit and deserves consideration.

The Director of the Department of Transportation testified in a hearing that the certificate of public necessity and convenience be issued by the Public Utilities Commission only after proper adequate terminal facilities have been built.

The first resolve section has been amended accordingly.

Your Committee has apprehension about the possibility of having docking facilities located on Magic Island, therefore, has amended the resolution by deleting any reference to "near" Waikiki and making it more specific by using the term "within Waikiki."

Your Committee is in accord with the intent and purpose of **H. C. R. No. 45**, as amended herein, and recommends its adoption in the form attached hereto as **H. C. R. No. 45, H. D. 1**.

Signed by all members of the Committee.

SCRep. 743-70 Higher Education on H. R. No. 326

The purpose of this resolution is to request the Board of Regents of the University of Hawaii to negotiate with owners of apartment buildings already existing in the near vicinity of the Manoa Campus, for the purpose of leasing these buildings by the University of Hawaii in order that the individual units might be sub-let to students for student housing. The resolution further requests that the Board of Regents submit a report to the Legislature 20 days prior to the convening of the 1971 Legisla-

tive Session, documenting its negotiations in this regard, and including a progress report and a description of problems encountered with recommendations for possible solutions.

Your Committee has been very concerned about the issue of student housing at the Manoa Campus, and has devoted much time to hearing proposed legislation which would provide for the construction of new housing facilities to relieve this crisis. Your Committee has issued several Standing Committee Reports documenting the crisis, and providing specific recommendations for solutions. All of the action to date, however, has concerned actions which will not culminate in the existence of actual facilities until several years from now. While this is good news for the class of 1977, it is scant solace to the thousands of students who are living in sub-standard and/or over priced housing today. The drama of "Tent City" is revealing of the scope and magnitude of the present housing crisis.

The primary significance of this resolution is in requesting the Board of Regents to exercise a power that it already has for the purpose of alleviating the immediate problems of lack of adequate student housing for the Manoa Campus. Such action, while it could not hope to solve the problem entirely, and might be attempted on an experimental basis, could make meaningful progress toward achieving a solution. Your Committee endorses and applauds this new approach to the problem.

Your Committee is in accord with the intent and purpose of **H. R. 326** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 744-70 Higher Education on H. R. No. 314

The purpose of this resolution is to request the University of Hawaii to investigate the feasibility of installing a retractable roof or dome, including an improved light and sound system for Andrews Amphitheater, being mindful that such

installation not destroy the natural beauty of the amphitheater.

Your Committee has been repeatedly confronted by the numbers problem, which the University of Hawaii is experiencing to some extent at this time, and which is anticipated to become an even greater problem in the near future. In order to accommodate these students, the University has had to institute a number of very large lecture sections, including 600 or more students. Because there is no facility on campus which can accommodate these numbers, the University has had to lease Varsity Theater. While Varsity Theater does accommodate the necessary numbers of students, its location is not convenient for students commuting to or from the Varsity Theater and other classes.

Andrews Amphitheater is located centrally and conveniently on campus, and has a capacity which could accommodate numbers similar to the Varsity Theater. If some kind of protective covering were available to shield the amphitheater from the elements such that it could be used in both fair and foul weather, the location would be ideal for large lecture sections. The feasibility study as requested in this resolution is an important first step toward ascertaining the practicability of this proposal.

Your Committee is in accord with the intent and purpose of **H. R. 314** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 745-70 Higher Education on H. R. No. 316

The purpose of this resolution is to request the Speaker of the House of Representatives to appoint a House Committee to conduct a study, in the interim between the 1970 and 1971 Legislative Sessions, on the **Academic Development Plan II**, and the **Prospectus for the Seventies** in order to determine the future direction of the University of Hawaii.

The University of Hawaii today is on the threshold of the future. In the midst

of a period of rapid expansion, the University is in the process of catching up to the demand in some areas, while preparing to cope with increased demands in others in the near future. This period of dynamic and unprecedented growth is marked by the evaluation and new direction for academic programs, plus the expansion of new and existing physical facilities. There is a critical need, now as never before, for clear and precise direction and for comprehensive statewide planning for higher education. The Legislature, as the policy making body for the State, is vitally concerned with this growth, and should be involved in the critical decisions which are being made with regard to the future direction of the University of Hawaii System.

The University of Hawaii has already made significant progress in some of the more preliminary aspects of achieving an overall master-plan. The academic Development Plan II, presented to the Legislature last Session is a substantial beginning, in the attempt to relate the growth of each institution within the system to an orderly plan for the entire system. Your Committee has difficulties relating to the **Academic Development Plan II** as a planning document, however, because of the broad generalities with which it deals. It contains a multitude of desirable goals but there is no indication of priorities among the proposals, and therefore, this document was not a clear definition of the direction in which the University should move.

This year the University has a new President who has placed emphasis on several parts of the **Academic Development Plan II**, in his own document, **Prospectus for the Seventies**. In deference to the economic posture of the State, which would preclude the achievement of excellence in all fields, but would permit the development of a high degree of excellence in some selected fields, Dr. Cleveland has propounded the doctrine of "selected excellence." Dr. Cleveland has singled out for concentration those areas which are "naturals" to Hawaii, with the term "natural" being defined primarily on the basis of geography and racial diversity. Again, the State cannot afford the entire package, but your

Committee applauds the direction as sound and sensible, and hopes that it will provide the underlying focus for future University planning.

The two documents that we have on hand are each excellent, and provide many alternatives, and much food for thought. However, it is generally recognized that these proposals will need some judicious pruning, and that the University of Hawaii System will require some prudent reorganization and restructuring if the quality institution which we all hope to achieve can become a reality. To think that the Legislature should remain aloof from this process, is in the opinion of your Committee, not a realistic point of view. There must be a steady and constructive dialogue between the Legislature and the University planners, in order to maximize the quality potential of our University System. An interim committee, such as is proposed in this resolution is a necessary and desirable link in the planning process.

Your Committee is in accord with the intent and purpose of **H. R. 316** and recommends its adoption.

Signed by all members of the Committee except Representative Shigemura.

SCRep. 746-70 Higher Education on H. R. No. 238

The purpose of this resolution is to request that the Attorney General move its function of photographing and processing identification cards from the Old Palama Fire Station to the Oahu Railway and Land Building on King Street and Iwilei Road, and that the Old Palama Fire Station be turned over to the Honolulu Community College.

In addition to preserving the oldest fire station and the only one left which had housed horses for fire protection, and returning it to a capacity related to its original function, the acquisition of the Old Palama Fire Station by Honolulu Community College could serve a twofold purpose: education, and public service. The Old Palama Fire Station is situated on 10,987 square feet of State-owned land,

and contains a net floor area of 3,870 square feet. It would provide an ideal classroom and laboratory space for regular ongoing fire science classes at Honolulu Community College, and because of its close proximity to the campus, it would enable fire science students to enroll in general education classes without any difficulty. In addition the facility is large enough to house fire equipment and instructional materials, as well as provide an area for experimentation and research.

The public could also have an interest in the Old Palama Fire Station. It could provide space for the establishment of a library and information center on fire science, as well as providing for the conduct of Statewide seminars or in-service workshops for firemen and officers. Likewise it could provide a meeting place for the Fire Advisory Board and other State, national and international fire groups.

Your Committee has noted that certain repairs and renovations to the building will be necessary in order to turn the facility into an efficient fire science center. Sufficient funds for minor repairs are already available, such that the facility can be used until a more comprehensive renovation project is planned and funded.

Your Committee is in accord with the intent and purpose of **H. R. 238** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 747-70 Housing and Consumer Protection on S. B. No. 1378-70

The purpose of this bill is to prohibit the solicitation by solicitors licensed by the counties under Chapter 445 of orders from an individual at his home by telephone.

Under present law, no licensed solicitor shall solicit orders by telephone from individuals at their homes when the solicitation includes the opportunity to receive prizes, gifts, premiums, stamps, coupons, tickets, or other redeemable devices as an inducement for sales or for appointments for sales. This bill prohibits telephone solici-

tion of any order except in the case where telephone contact is made with a prospective customer for the purpose of setting an appointment to solicit an order in person at the appointed time. An exception from the prohibition is made for disabled or handicapped persons, allowing such persons to engage in telephone solicitation provided the solicitation does not offer the opportunity to receive a prize, gift, premium, stamp, coupon, ticket or other redeemable device as an inducement for sales. The bill further prohibits a telephone solicitation which sets an appointment for sales by offering the opportunity to receive a prize, gift, premium, stamp, coupon, ticket or other redeemable device as an inducement for the appointment.

The Director of the Office of Consumer Protection testified that this amendment will be of assistance in combating deceptive and fraudulent consumer practices through the use of the telephone.

Your Committee on Housing and Consumer Protection is in accord with the intent and purpose of **S. B. No. 1378-70, S. D. 2**, and recommends its passage on third reading.

Signed by all members of the Committee except Representatives Suwa, Kunimura, R. Wong and Oda.

SCRep. 748-70 Housing and Consumer Protection on **S. B. No. 2002-70**

The purpose of this bill is to require regular officers of a cemetery or pre-need funeral authority to obtain an appropriate license before they sell or otherwise dispose of any interest in cemetery property or funeral plans. Such officers are now exempt from the licensing requirement.

Your Committee on Housing and Consumer Protection is in accord with the intent and purpose of **S. B. No. 2002-70, S. D. 1** and recommends its passage on third reading.

Signed by all members of the Committee except Representatives Kunimura, Suwa, R. Wong and Oda.

SCRep. 749-70 Housing and Consumer Protection on **S. B. No. 1379-70**

The purpose of this bill is to prohibit persons granted permits by the Director of Regulatory Agencies to solicit orders, options of sale, contracts, or subscriptions requiring the delivery within the State of property or merchandise from soliciting from an individual at his home by telephone.

Under present law, no person granted a permit by the Director of Regulatory Agencies may solicit an order, option of sale, contract or subscription from an individual at his home by telephone whenever an offer is made by the caller to give prizes, gifts, premiums, stamps, coupons, tickets or other redeemable devices as an inducement to the prospective buyer for sales or appointments for sales. This bill prohibits the solicitation by telephone of any order, option of sale, contract or subscription from an individual at his home, except that any prospective customer may be contacted by telephone for the purpose of setting an appointment to solicit an order at the appointed time. An exception to the bill is made for disabled or handicapped persons to engage in telephone solicitation provided the solicitation does not offer the opportunity to receive a prize, gift, premium, stamp, coupon, ticket or other redeemable device as an inducement for sales. The bill further prohibits a telephone solicitation which sets an appointment for sales by offering the opportunity to receive prizes, gifts, premiums, stamps, coupons, tickets, or other redeemable devices as inducement for the appointment.

The Director of the Office of Consumer Protection testified that this amendment will be of assistance in combating deceptive and fraudulent consumer practices through the use of the telephone.

Your Committee on Housing and Consumer Protection is in accord with the intent and purpose of **S. B. No. 1379-70, S. D. 2**, and recommends its passage on third reading.

Signed by all members of the Committee

except Representatives Kunimura, Suwa, R. Wong and Oda.

SCRep. 750-70 Housing and Consumer Protection on H. C. R. No. 114

The purpose of this Concurrent Resolution is to request the Speaker of the House and Representatives, and the President of the Senate to appoint a Joint Interim Committee on revision of landlord-tenant law which Committee is to consult with the Hawaii Commission to promote uniform legislation, tenant organizations, landlord organizations, and other organizations representing real property interests and general concern with rental housing as a matter of public health, safety, and welfare, and to report its recommendations for legislative and administrative action not later than 20 days before the convening of the 1971 Regular Session of the Legislature.

Your Committee finds that reform of the landlord-tenant law of Hawaii is urgently needed in view of the critical tight market for residential rental units. The American Bar Foundation published in 1969, a model residential landlord-tenant code which suggests codification reform and uniformity in the matter of landlord-tenant law. This code is being considered for use as a first tentative working draft by the Special Committee of the National Conference of Commissioners on Uniform State Laws to aid the Committee in preparing a uniform act for adoption by State Legislatures. The Interim Committee created pursuant to this Concurrent Resolution in its study of existing Hawaii law and various alternative proposals for additions, deletions and changes can utilize the Model Residential Landlord-Tenant Code as a basis for its study of proposed reforms.

Your Committee is in accord with the intent and purpose of **H. C. R. No. 114** and recommends that it be adopted.

Signed by all members of the Committee except Representatives Kunimura, Suwa, R. Wong and Oda.

SCRep. 751-70 Lands on H. C. R. No. 116

The purpose of this concurrent resolution is to request that the Governor and the Chairman of the Board of Land and Natural Resources establish Kailua-Kona as a historic preservation district, the boundaries of which shall be established by the Hawaii Foundation for History and the Humanities. It further requests that the Department of Land and Natural Resources acquire sites or areas designated by the foundation by exchanging state lands presently occupied by Kailua airport for the designated sites or areas, and that all occupants of lands surrendered to the state through such exchanges shall have the option to lease such lands for the same use as that prior to the surrender.

Your Committee finds that the future of Kailua-Kona as an economically viable area is dependent upon the preservation of the area's environment of open space, historic homesites, churches, landmarks and the scenic beauty of the town. In order to maintain this unique educational, historic, cultural and scenic center of Hawaii, your Committee finds that the creation of the Kailua-Kona historic preservation district is essential to the unimpaired preservation of the area as a tangible reminder of old Hawaii. In planning for its future the retention of the beauty and serenity that has drawn visitors to Kailua-Kona since the early days of Hawaiian history is paramount.

Kailua-Kona has become a world-renowned resort area, second only to Waikiki in attracting tourists to the state. However, because of the increase of tourism in recent years, the limited area of Kailua town has been exploited by an influx of new developers. The unfortunate result has been hodge-podge development and the deterioration of the unique "Kona way of life" which appears to be its greatest tourist attraction. Coupled with this erosion has been the threat of possible loss of the historic sites associated with Kamehameha I, including his residence.

In order to preserve the unique "Kona way of life" and the historic sites in the area, it is imperative that the state do everything within its power to restore and preserve these assets. Through the mainte-

nance of landmarks and through the developments of appropriate settings for such buildings, sites and areas in Kailua, the state will be promoting the educational, cultural, economic and general welfare of the public.

Previous attempts to preserve the character of the town have been unsuccessful due to the large number of individual land-owners in this small village. Therefore, it seems that single ownership is the only solution to the problem and it is the opinion of your Committee that the most feasible and economical method of acquiring all of the designated areas would be through exchanging old Kailua airport lands for village lands. This will allow for an orderly, well-planned new resort in close proximity to an historic village without marring the virtues of the past.

Looking at Hawaii, we see that much of what was once alluring and beckoning is being replaced by urbanization and commercialization. This is most unfortunate for the riches of our past which have offered us much in terms of lessons learned and direction for future growth should not be allowed to disappear. Therefore, it is imperative that, wherever possible, we recapture the beauty and serenity that once characterized our islands. It is the opinion of your Committee that the state should not overlook the examples of historic preservation set by Colonial Williamsburg and our own Lahaina, Maui. The state is being provided with a perfect preservation model in Kailua-Kona.

Your Committee is in accord with the intent and purpose of **H. C. R. No. 116** and recommends its adoption.

Signed by all members of the Committee except Representatives de la Cruz, Taira, Aduja and Ajifu.

SCRep. 752-70 (Majority) Finance on **S. B. No. 1696-70**

The purpose of this bill is to promote the improvement of public employer-employee relations by recognizing the right of public employees to join organizations of their own choosing and to be rep-

resented by such organizations in their employment relations with public agencies. It is also the intent of the bill to provide adequate means for preventing controversies between public agencies and public employees and for resolving these controversies when they occur.

Your Committee believes that any collective bargaining law enacted should clearly specify the areas and manner in which public employees shall bargain collectively if we are to avoid, or at least to minimize, the controversies which have arisen in other jurisdictions where collective bargaining is permitted and which have often resulted in disruption of public services.

Public employees are eager to have a voice in determining their conditions of work. The experiences in other jurisdictions show that without an adequate legal framework in which to channel and release their energies, public employees have resorted to means of pressure and coercion to improve their conditions of work. Your Committee feels that it is imperative and it is in the public interest that positive legislation should be enacted to harness and direct the energies of public employees, to promote harmonious and cooperative relations between government and its employees, and to protect the public by assuring effective and orderly operations of government.

Your Committee has made the following amendments:

1. Hawaii Public Employment Relations Board. Your Committee has provided for a five-member public employment relations board which shall serve full-time for a term of six years. Your Committee feels that the duties and responsibilities of the Board necessitates its functioning on a full-time basis.

2. State Labor Committee. The provisions creating a State Labor Committee have been deleted. Your Committee feels that it is not within the realm of the Legislature to decide on the creation of such a committee or to prescribe its duties and membership.

3. **Rights of public employees.** Your Committee believes that in the public service the right to join an employee organization must be accompanied by the right not to join. When the right to join becomes a duty, freedom of choice becomes merely a catchword. The union shop or closed shop may or may not be appropriate for various craft and trade portions of private industry. But given the size of the governmental jurisdictions and agencies involved, the diversity of employee skills and the intense competition between and among public employee organizations, your Committee feels this arrangement is wholly unsuitable in the public service. Accordingly, your Committee has (a) eliminated those provisions permitting a public employee to make an agreement with an exclusive representative to require as a condition of employment the payment of initiation fees and membership dues to the exclusive representative; and (b) reaffirmed the right of any person to refrain from joining an employee organization.

While an employee may refrain from joining an employee organization, he cannot refuse to be represented by the exclusive representative. **S. B. No. 1696-70, S. D. 1, H. D. 1**, permits the employee organization to assess a reasonable service fee on all employees to defray its costs for negotiating and administering an agreement. Your Committee has amended this section to require the Hawaii Public Employment Relations Board to determine and assess reasonable service fees for employees who have not joined an employee organization.

4. **Scope of negotiations.** Your Committee concurs that terms agreed to in the course of collective bargaining must be consistent with the merit principles, the principle of equal pay for equal work and must not interfere with the rights of a public employee to carry out its public responsibilities. Additionally, your Committee feels that the system of position classification should not be subject to negotiation. Your Committee cannot envision the preservation of the merit principles if the position classification system is open to negotiation. The number of incremental and longevity steps now provided by law

is also excluded.

Your Committee has also excluded the retirement and post-retirement systems from the scope of negotiations. The establishment and administration of these systems are such that the costs of increased benefits granted in a fiscal year are not recognized until one or two years later. This delay is unavoidable due to the time needed to determine the added retirement costs and their pro-ration between the State and the counties. This delay in the realization of added costs will make the legislative ratification of any agreement involving retirement benefits extremely difficult, since the financial impact of the change in benefits could only be assessed in terms of the State's ability to pay two years hence.

5. **Appropriate bargaining units.** Your Committee recommends that in order to protect the position of public employers, employees rights and privileges conferred by this bill should be denied to supervisory personnel.

Your Committee feels that participation of these personnel in any employee organization activities would sharply limit management's effectiveness at the discussion table. Supervisory personnel cannot remove themselves entirely from an identification with certain management responsibilities. This not only creates intra-union strife but also places management on both sides of the discussion table.

6. **Public employee for purposes of negotiations.** Your Committee has clarified the composition of the negotiating team for the public employer. The public employer of an appropriate bargaining unit for teachers shall be not more than two members of the Board of Education and not less than three members appointed by the Governor. Similarly, not more than two members of the Board of Regents shall be joined by not more than three members appointed by the Governor for purposes of negotiations.

7. **Legislative ratification.** Under **S. B. No. 1696-70, S. D. 1, H. D. 1**, if the State Legislature or the legislative body of any

county rejects any of the cost items submitted to them, all cost items shall be returned to the parties for further bargaining and either party may reopen all or a part of the remainder of the agreement. Your Committee feels that reopening all issues upon the rejection by the legislative body may unnecessarily result in negation of all points of agreements.

8. **Right to strike.** The provisions relating to the right to strike have been deleted.

9. **Sanctions.** Your Committee has provided, in addition to court action, that under certain circumstances, the automatic payroll deduction authorized by this bill may be suspended.

10. **Political action forbidden.** Your Committee has also included in this bill certain prohibitions on an employee's political actions.

11. **Appropriation.** Your Committee has appropriated the sum of \$313,130 to be used as follows:

Hawaii Public Employment Relations Board

Salaries

Chairman — 95 percent of	
Circuit Court Judge	\$ 28,738
4 Members at \$25,864	103,456
Executive Officer	24,000
Steno III	6,048
Temporary Help	12,000
Fee for Service	50,000
	<u>\$224,242</u>

Other Expenses — Includes
space rental 45,000

Equipment 5,000
\$274,242

Public Management Committee

Salaries

Executive Secretary	\$ 9,840
Steno III	6,048
	<u>\$ 15,888</u>

Other Expenses — Includes
space rental 20,000

Equipment 3,000
\$ 38,888
Grand Total \$313,130

Your Committee is in accord with the intent and purpose of **S. B. No. 1696-70, S. D. 1, H. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1696-70, S. D. 1, H. D. 2**.

Signed by all members of the Committee. Representative R. Wong did not concur.

SCRep. 753-70 Finance on H. C. R. No. 50

The purpose of this Concurrent Resolution is to request Congress to initiate an amendment to the United States Constitution which would establish without question the immunity of State and local government securities from federal income taxation.

Municipal bonds (the bonds issued by states, their political subdivisions, and their instrumentalities) have been historically and are currently exempt from federal taxation. Such exemption has permitted State and local governments to borrow funds at a substantially lower rate than would otherwise be the case if their securities were taxed by the federal government.

For some years there has been a widespread misunderstanding of the basis of the tax-exempt status of municipal bonds. A great many persons connected with the municipal bond market as issuers, dealers and investors have been under the impression that there is express language in the United States Constitution exempting municipal bonds from taxation. This is not true. The tax-exempt status of municipal bonds is derived in part from the United States Supreme Court decision in *McCulloch v. Maryland* (4 Wheat 316, 431) which delineated the dual sovereignty of the federal and state governments and enunciated the doctrine that the power to tax involves the power to destroy. More closely related to the tax exemption question is the decision in *Pollack v. Farmers Loan & Trust Co.*, decided in 1895 (157 U.S. 429). The court in that case struck down a congressional act attempting to tax the interest on state and municipal bonds

on the basis that the proposed tax constituted a "tax on the power of the States, and repugnant to the Constitution."

There have been continuous attempts by Congress and the U.S. Department of Treasury to alter or end the tax exemption of municipal bonds. Unless some definite, affirmative action is taken expressly to affirm the principal of inter-governmental tax immunity, a cloud will continue to hang over the ability of state and local governments to borrow money. The danger and the disastrous effects which such a condition poses to state and local government financing were demonstrated during the past year. Last fall, in the latest move against municipal bonds, Congress proposed to alter drastically the tax-exempt status of such bonds. While no legislation was passed, the mere threat of such action was sufficient to disrupt the municipal bond market. Many governmental units found themselves paying interest rates far beyond what they would normally have paid. Others with interest rate ceilings, like the State of Hawaii, found themselves unable to enter the municipal bond market altogether. A constitutional amendment is the way open to the states to bring to an end the recurring attacks on the tax-exempt financing by state and local governments for necessary capital improvements and other programs. Through such an amendment, the state and local governments would be guaranteed a stable market from which financing may be secured and assured in the years ahead.

Support for passage of the Resolution in all fifty states is being sponsored by the Local Government Section of the American Bar Association, the Municipal Finance Officers Association, and the Investment Bankers Association. Presumably, if a sufficient number of states file petitions, Congress will view them as evidence of widespread grassroots support for the amendment proposed and will respond with amendment initiation action.

Your Committee is in accord with the intent and purpose of **H. C. R. No. 50** and recommends its adoption.

Signed by all members of the Commit-

tee.

SCRep. 754-70 Printing and Revisions

Informing the House that **Standing Committee Report Nos. 738-70 to 753-70**, **House Resolution Nos. 337 to 346**, **House Concurrent Resolution No. 116** and **Standing Committee Report Nos. 755-70 to 760-70** have been printed and distributed.

Signed by all members of the Committee.

SCRep. 755-70 Higher Education on **H. R. No. 314**

The purpose of this resolution is to request the University of Hawaii to investigate the feasibility of installing a retractable roof or dome, including an improved light and sound system for Andrews Amphitheater, being mindful that such installation not destroy the natural beauty of the amphitheater.

Your Committee has been repeatedly confronted by the numbers problem, which the University of Hawaii is experiencing to some extent at this time, and which is anticipated to become an even greater problem in the near future. In order to accommodate these students, the University has had to institute a number of very large lecture sections, including 600 or more students. Because there is no facility on campus which can accommodate these numbers, the University has had to lease Varsity Theater. While Varsity Theater does accommodate the necessary numbers of students, its location is not convenient for students commuting to or from the Varsity Theater and other classes.

Andrews Amphitheater is located centrally and conveniently on campus, and has a capacity which could accommodate numbers similar to the Varsity Theater. If some kind of protective covering were available to shield the amphitheater from the elements such that it could be used in both fair and foul weather, the location would be ideal for large lecture sections. The feasibility study as requested in this resolution is an important first step toward ascertaining the practicability of this proposal.

It is the intent of this Committee that this study be done internally by the University with the use of University personnel.

Your Committee is in accord with the intent and purpose of **H. R. 314** and recommends its adoption.

Signed by all members of the Committee except Representative Shigemura.

SCRep. 756-70 Higher Education on H. R. No. 316

The purpose of this resolution is to request the Speaker of the House of Representatives to appoint a House Committee to conduct a study, in the interim between the 1970 and 1971 Legislative Sessions, on the **Academic Development Plan II**, and the **Prospectus for the Seventies** in order to determine the future direction of the University of Hawaii.

The University of Hawaii today is on the threshold of the future. In the midst of a period of rapid expansion, the University is in the process of catching up to the demand in some areas, while preparing to cope with increased demands in others in the near future. This period of dynamic and unprecedented growth is marked by the evaluation and new direction for academic programs, plus the expansion of new and existing physical facilities. There is a critical need, now as never before, for clear and precise direction and for comprehensive statewide planning for higher education. The Legislature, as the policy making body for the State, is vitally concerned with this growth, and should be involved in the critical decisions which are being made with regard to the future direction of the University of Hawaii System.

The University of Hawaii has already made significant progress in some of the more preliminary aspects of achieving an overall master-plan. The academic Development Plan II, presented to the Legislature last Session is a substantial beginning, in the attempt to relate the growth of each institution within the system to an orderly plan for the entire system. Your Committee has difficulties relating to the **Academic Development Plan II**

as a planning document, however, because of the broad generalities with which it deals. It contains a multitude of desirable goals but there is no indication of priorities among the proposals, and therefore, this document was not a clear definition of the direction in which the University should move.

This year the University has a new President who has placed emphasis on several parts of the **Academic Development Plan II**, in his own document, **Prospectus for the Seventies**. In deference to the economic posture of the State, which would preclude the achievement of excellence in all fields, but would permit the development of a high degree of excellence in some selected fields, Dr. Cleveland has propounded the doctrine of "selected excellence." Dr. Cleveland has singled out for concentration those areas which are "naturals" to Hawaii, with the term "natural" being defined primarily on the basis of geography and racial diversity. Again, the State cannot afford the entire package, but your Committee applauds the direction as sound and sensible, and hopes that it will provide the underlying focus for future University planning.

The two documents that we have on hand are each excellent, and provide many alternatives, and much food for thought. However, it is generally recognized that these proposals will need some judicious pruning, and that the University of Hawaii System will require some prudent reorganization and restructuring if the quality institution which we all hope to achieve can become a reality. To think that the Legislature should remain aloof from this process, is in the opinion of your Committee, not a realistic point of view. There must be a steady and constructive dialogue between the Legislature and the University planners, in order to maximize the quality potential of our University System. An interim committee, such as is proposed in this resolution is a necessary and desirable link in the planning process.

Your Committee feels that although this interim committee will be concerned about the academic development and plans for a second campus on Oahu and its relation-

ship to a statewide University System, it is not intended that this Committee be a site selection committee for a second campus on Oahu or suggest any sites for said campus.

Your Committee is in accord with the intent and purpose of **H. R. 316** and recommends its adoption.

Signed by all members of the Committee except Representative Shigemura.

SCRep. 757-70 Finance on S. B. No. 1577-70

The purpose of this bill is to appropriate the sum of \$26,748 to be expended by the judicial branch under the direction of the Judicial Council to study and review the probate laws of the State of Hawaii. The objective is to prepare for enactment of a probate code with appropriate conforming amendments to the Uniform Probate Code approved by the National Conference of Commissioners on Uniform State Laws and the American Bar Association.

Your Committee on Finance is in accord with the intent and purpose of **S. B. No. 1577-70** and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 758-70 Finance on S. B. No. 1982-70

The purpose of this bill is to appropriate the sum of \$1,227,215 for economic assistance to indigents and medical indigents.

Act 154, Session Laws of Hawaii, 1969, appropriated a designated sum to provide payments to indigents and medical indigents for medical services and financial assistance. That Act funded the Department of Social Service's Economic Assistance Program for the fiscal year beginning July 1, 1969 and ending June 30, 1970. Your Committee finds that the amount appropriated by Act 154 is insufficient to carry out the purposes of the Economic Assistance Program for the entire year. The Department is attempting

to operate within the amount appropriated but is experiencing caseloads and patient loads in excess of estimates arrived at prior to the adoption of Act 154. Further, higher costs for patient care are being experienced. If a breakdown in services is to be avoided, additional monies must be appropriated.

Your Committee is in accord with the intent and purpose of **S. B. No. 1982-70** and recommends its passage on third reading.

Signed by all members of the Committee except Representative Lee.

SCRep. 759-70 Federal-State County on H. C. R. No. 17

Your Committee has conducted hearings in each of the counties to determine the advisability of pursuing an investigation by a special committee comprised of House and Senate members of compliance by the counties with the Hawaii Administrative Procedure Act, Chapter 91, H.R.S.

Your Committee has found that in at least one county no clear understanding of C-91 existed in the minds of administrative officials charged with rule making. In that county, only the Director of Civil Service was found to be in reasonable conformance with the Hawaii Administrative Procedures Act.

At the other end of the ruler, if one were to measure in terms of achievement versus non-achievement, one county seemed to reflect a rather clear understanding of just what is required of administrative agencies and has been acting in good faith in trying to meet the requirements of the statute. Nonetheless, county rules and regulations left much to be desired.

The basic problem of county compliance appeared to be contained in the question of who was or was not authorized by law to make rules and or regulations.

By and large, your Committee found that there is not enough dissemination of information regarding citizens' rights under the Administrative Procedures Act and there-

for concluded that at this point in time, perhaps the legislature should consider means by which to make the public more aware of provisions of the Hawaii Administrative Procedure Act.

During the course of the current legislative session the Legislative Reference Bureau issued report No. 6, 1969 entitled, "Compliance of State Agencies with the Hawaii Administrative Procedure Act," which is a cumulative report and should serve as a guide to the legislature if it ponders the question of compliance by State agencies.

Following hearings your Committee has decided to amend **H. C. R. 17** in its title and its form.

The title has been amended to provide for an interim committee made up of House and Senate members to further pursue compliance by County and State agencies with Chapter 91. This is considered by your Committee to be of prime importance in this year in light of efforts to enact legislation amending all county charters to incorporate appropriate language referencing Chapter 91.

Further, it appears advisable at this time to review all administrative agencies procedures and to assess the effectiveness of the current administrative structure and to make recommendations for improvement where necessary.

Your Committee is in accord with **H. C. R. 17** as amended and recommends its adoption in the form attached hereto as **H. C. R. No. 17, H. D. 1.**

Signed by all members of the Committee.

SCRep. 760-70 Education on **H. C. R. No. 115**

The purpose of this Concurrent Resolution is to request the Department of Education to provide an education specialist for consumer education, who shall be responsible for the development of a consumer education program for the public schools.

Your Committee finds there is a real need for a well-planned, comprehensive consumer education curriculum package in our public schools. Consumer education must be emphasized at elementary, secondary and adult school levels if we are to have an informed and knowledgeable citizenry on consumer protection matters.

Your Committee is in accord with the intent and purpose of **H. C. R. No. 115** and recommends its adoption.

Signed by all members of the Committee except Representatives Loo, Nakama and R. Wong.

SCRep. 761-70 Finance on **S. B. No. 1696-70**

The purpose of this bill is to promote the improvement of public employer-employee relations by recognizing the right of public employees to join organizations of their own choosing and to be represented by such organizations in their employment relations with public agencies. It is also the intent of the bill to provide adequate means for preventing controversies between public agencies and public employees and for resolving these controversies when they occur.

Your Committee believes that any collective bargaining law enacted should clearly specify the areas and manner in which public employees shall bargain collectively if we are to avoid, or at least to minimize, the controversies which have arisen in other jurisdictions where collective bargaining is permitted and which have often resulted in disruption of public services.

Public employees are eager to have a voice in determining their conditions of work. The experiences in other jurisdictions show that without an adequate legal framework in which to channel and release their energies, public employees have resorted to means of pressure and coercion to improve their conditions of work. Your Committee believes that legislation should be enacted to promote harmonious and cooperative relations between government and its employees.

Your Committee has made the following amendments:

1. **Hawaii Public Employment Relations Board.** Your Committee has provided for a five-member public employment relations board which shall serve full-time for a term of six years. Your Committee feels that the duties and responsibilities of the Board necessitates its functioning on a full-time basis.

2. **State Labor Committee.** The provisions creating a State Labor Committee have been deleted. Your Committee feels that it is not within the realm of the Legislature to decide on the creation of such a committee or to prescribe its duties and membership.

3. **Service fees.** While an employee may refrain from joining an employee organization, he cannot refuse to be represented by the exclusive representatives. **S. B. No. 1696-70, S. D. 1, H. D. 1**, permits the employee organization to assess a reasonable service fee on all employees to defray its costs for negotiating and administering an agreement. Your Committee has amended this section to require the Hawaii Public Employment Relations Board to determine and assess reasonable service fees for employees who have not joined an employee organization.

4. **Scope of negotiations.** Your Committee concurs that terms agreed to in the course of collective bargaining must be consistent with the merit principles, the principle of equal pay for equal work and must not interfere with the rights of a public employee to carry out its public responsibilities. Additionally, your Committee feels that the system of position classification should not be subject to negotiation. Your Committee cannot envision the preservation of the merit principles if the position classification system is open to negotiation. The number of incremental and longevity steps now provided by law is also excluded.

Your Committee has also excluded the retirement and post-retirement systems from the scope of negotiations. The establishment and administration of these sys-

tems are such that the costs of increased benefits granted in a fiscal year are not recognized until one or two years later. This delay is unavoidable due to the time needed to determine the added retirement costs and their pro-ration between the State and the counties. This delay in the realization of added costs will make the legislative ratification of any agreement involving retirement benefits extremely difficult, since the financial impact of the change in benefits could only be assessed in terms of the State's ability to pay two years hence.

5. **Public employer for purposes of negotiations.** Your Committee has clarified the composition of the negotiating team for the public employer. The public employer of an appropriate bargaining unit for teachers shall be not more than two members of the Board of Education and not less than three members appointed by the Governor. Similarly, not more than two members of the Board of Regents shall be joined by not less than three members appointed by the Governor for purposes of negotiations.

6. **Legislative ratification.** Under **S. B. No. 1696-70, S. D. 1, H. D. 1**, if the State Legislature or the legislative body of any county rejects any of the cost items submitted to them, **all** cost items shall be returned to the parties for further bargaining and either party may reopen **all** or a part of the remainder of the agreement. Your Committee feels that reopening all issues upon the rejection by the legislative body may unnecessarily result in negation of all points of agreements.

7. **Right to strike.** The provisions relating to the right to strike have been deleted.

8. **Sanctions.** Your Committee has provided, in addition to court action, that under certain circumstances, the automatic payroll deduction authorized by this bill may be suspended.

9. **Appropriation.** Your Committee has appropriated the sum of \$313,130 to be used as follows:

Hawaii Public Employment Relations Board

Salaries	
Chairman — 95 percent of	
Circuit Court Judge	\$ 28,738
4 Members at \$25,864	103,456
Executive Officer	24,000
Steno III	6,048
Temporary Help	12,000
Fee for Service	50,000
	<u>\$224,242</u>
Other Expenses — Includes	
space rental	45,000
Equipment	
	<u>5,000</u>
	\$274,242
Public Management Committee	
Salaries	
Executive Secretary	\$ 9,840
Steno III	6,048
	<u>\$ 15,888</u>
Other Expenses — Includes	
space rental	20,000
Equipment	
	<u>3,000</u>
	\$ 38,888
Grand Total	<u>\$313,130</u>

Your Committee is in accord with the intent and purpose of **S. B. No. 1696-70, S. D. 1, H. D. 2**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1696-70, S. D. 1, H. D. 3**.

Signed by all members of the Committee.

SCRep. 762-70 Printing and Revisions

Informing the House that **Standing Committee Report No. 761-70, House Resolution No. 347** and **Standing Committee Report Nos. 763-70 to 769-70** have been printed and distributed.

Signed by all members of the Committee.

SCRep. 763-70 Federal-State-County on **S. C. R. No. 26**

This concurrent resolution requests the President of the United States to initiate action to curtail excessive rates of interest,

points and discounts, and compensating balances.

The purpose is to reduce the cost of money and encourage the production of housing.

Your Committee finds that although the supply of money has become more limited, thus causing high interest rates, this has not aided in materially reducing inflation. Your Committee feels that there are tools other than the money supply which can more directly control inflation with less risk of a long term recession and that the President should use every effort to analyze and employ these in a coordinated manner.

Your Committee on Federal, State and County Relations is in accord with the intent and purpose of **S. C. R. No. 26** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 764-70 (Majority) Federal-State-County on **S. C. R. No. 39**

The purpose of this Concurrent Resolution is to petition the President and the Congress of the United States to fully inform the American people about U.S. operations in Laos, and to end all combat support of Laotian forces by U.S. Personnel.

Your Committee is in accord with the intent and purpose of **S. C. R. No. 39** and recommends that it be adopted.

Signed by all members of the Committee except Representative Kimura. Representatives Fong, Lum and Miho did not concur.

SCRep. 765-70 Federal-State-County on **S. C. R. No. 20**

This concurrent resolution requests Congress to initiate a new amendment to the United States Constitution to preclude taxation of income derived from interest paid on state and county indebtedness without the consent of a state.

Your Committee finds that attempts to tax this income have been made in Congress and that this has severely hampered states and counties in the sale of their bonds and caused interest rates on these bonds to rise.

The effect of this amendment would be to facilitate state and county borrowing ability at lower interest rates.

Your Committee on Federal, State and County Relations is in accord with the intent and purpose of **S. C. R. No. 20** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 766-70 Education on H. R. No. 45

The purpose of this Resolution is to request the federal government to provide block education grants to the State of Hawaii in the event that the plan proposed by the Education Commission of the States to convert the ten per cent federal income tax surtax to aid schools is adopted.

Your Committee agrees with the concept set forth by the Education Commission of the States for a "Universal School System in America — a system offering free quality education to every person from the second or third year of his life through grade fourteen".

Your Committee is in accord with the intent and purpose of **H. R. No. 45** and recommends its adoption.

Signed by all members of the Committee except Representative R. Wong.

SCRep. 767-70 Education on S. C. R. No. 21

The purpose of this Concurrent Resolution is to request the Department of Education to evaluate the recently initiated drug abuse education program ("Concept 9"), and at the same time to implement the "San Diego" program on a pilot basis in the Kailua-Kaneohe area in September, 1970.

Your Committee understands that the

Department of Education recognizes the adverse effects of drug usage and addiction and that it has initiated steps to combat the unprescribed use of dangerous drugs by the youth of Hawaii. The Department is commended for this effort, but is urged to continue to seek better and more effective ways of educating our youth on the dangers of drug abuse.

Your Committee believes that the drug abuse education program must be continually updated in order to make it really meaningful to our young people. The implementation of the "San Diego" program on a pilot basis in the Kailua-Kaneohe school district, where parent and community support has been indicated, has this promise and could be an improvement over the present drug abuse education program in effect.

After full consideration of this Concurrent Resolution, your Committee has made certain amendments for the purpose of clarification, emphasis and direction. The substance of the amendments contained in **S. C. R. No. 21, S. D. 1, H. D. 1**, are as follows:

1. To evaluate the "Concept 9" program for possible updating and modernization.
2. To prepare for the implementation of the "San Diego" program by sending appropriate personnel to San Diego to study the program or by bringing to Hawaii qualified and trained personnel in drug abuse education from San Diego.
3. To submit evaluation reports on the "Concept 9" program and the "San Diego" program to the 1971 Regular Session of the Sixth State Legislature.

Your Committee is in accord with the intent and purpose of **S. C. R. No. 21, S. D. 1**, as amended herein, and recommends its adoption in the form attached hereto as **S. C. R. No. 21, S. D. 1, H. D. 1**.

Signed by all members of the Committee except Representative Uechi.

SCRep. 768-70 Public Institutions and So-

cial Services on **H. R. No. 61**

The purpose of **H. R. No. 61** is to request the Department of Social Services to adopt appropriate incentive programs to encourage social workers to work in isolated communities.

Your Committee finds that the Department of Social Services has experienced significant problems in attracting and recruiting qualified social workers to serve in isolated communities. As a result, such communities frequently are deprived of the competent services which are available to citizens in metropolitan areas.

Your Committee further finds that an appropriate incentive program might produce significant results in improving this problem.

Your Committee is in accord with the intent and purpose of **H. R. No. 61** and recommends its referral to your Committee on Finance.

Signed by all members of the Committee.

SCRep. 769-70 Agriculture on H. C. R. No. 107

The purpose of this Concurrent Resolution is to petition the Farm Loan Division of the Department of Agriculture to make loans to eligible meat and poultry farmers-processors. The resolution further proposes that the interest rate charged by the Department for such loans should be lower than the current rate of six percent.

Your Committee finds that recent state and federal legislation requires meat and poultry processors to upgrade the sanitary conditions of their plant. As a result, processors need funds to improve, build or purchase new physical facilities and equipment. For this reason, meat and poultry processors need assistance in the form of farm loans. However, inasmuch as the farm loan program is designed to aid "qualified farmers," your Committee wishes to make clear that only qualified farmers-processors are eligible for State funds under chapter 155. Secondly, inasmuch as

the current interest rate for loans made by the Department is six percent, while the commercial rate is nine percent, your Committee does not think lowering the rate is justified. Therefore, the title was amended and the third and fourth whereas paragraphs were deleted to eliminate this request for a lowering of the interest rate.

Your Committee on Agriculture is in accord with the intent and purpose of **H. C. R. No. 107** and recommends its adoption in the form hereto attached as **H. C. R. No. 107, H. D. 1**.

Signed by all members of the Committee.

SCRep. 770-70 Finance on H. R. No. 257

The purpose of this resolution is to request the Legislative Auditor to undertake a management audit of the Department of Health's administration of the public health program including the utilization of manpower, e.g. the proper use of administrators, professional, clerical, and other personnel; and the Department's organizational structure as it relates to public health responsibilities and regulations.

The functions and responsibilities of the Department of Health has expanded over the years requiring increased expenditure of public funds. A management audit, conducted in the positive spirit of guiding the program toward excellence in management, would be beneficial to the State as well as to the Department. A progress report is to be submitted twenty days prior to the convening of the Regular Session of 1971 and a final report to the Regular Session of 1972.

Your Committee is in accord with the intent and purpose of **H. R. No. 257** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 771-70 Finance on H. R. No. 129

The purpose of this Resolution is to request the House Special Committee to

Investigate the Price of Oil and Its Derivatives in Hawaii to study the possible loss of revenue to the State and to service station dealers due to variance in gasoline volume at different temperatures.

Petroleum hydrocarbons increase in volume as the temperature rises. Presently, U.S. Customs requires that all petroleum imported into the United States be declared in gallons at 60 degrees Fahrenheit, a standard established by the National Bureau of Standards. The average temperature of the product at the time of retail delivery in the State is 80 degrees Fahrenheit. Because of this, your Committee finds that possibly over 11 million gallons of gasoline a year are being imported into the State untaxed. This discrepancy poses a serious problem and requires further investigation.

Your Committee has amended the Resolution by requesting the Committee to report its findings and recommendations to the Legislature twenty days prior to the Regular Session of 1971.

Your Committee is in accord with the intent and purpose of **H. R. No. 129**, as amended herein, and recommends its adoption in the form attached hereto as **H. R. No. 129, H. D. 1**.

Signed by all members of the Committee.

SCRep. No. 772-70 Finance on S. C. R. No. 41

The purpose of this Concurrent Resolution is two-fold. First, it is intended to congratulate and thank the many people in government and private industry who worked so diligently and successfully in contributing to the preparation of the **Agriculture Development Plan — 1970**. Secondly, this resolution proposes to give legislative recognition to a monumental document which fulfills the legislative mandate of the Fourth Legislature.

This resolution has been amended to give the Legislature more time to study the details of the plan before it is endorsed.

Your Committee is in accord with the intent and purpose of **S. C. R. No. 41, H. D. 1**, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 773-70 (Majority) Finance on H. R. No. 334

The purpose of this Resolution is to request the Legislative Auditor to undertake a management audit of the Department of Social Services administration of public welfare programs, including utilization of manpower, e.g., the proper use of administrators, professional staff, clerical workers, and other personnel and the Department's organizational structure as it relates to public welfare responsibilities and regulations.

Your Committee is in accord with the intent and purpose of this Resolution and recommends its adoption.

Signed by all members of the Committee. Representative Lee did not concur.

SCRep. 774-70 Public Institutions and Social Services on H. R. No. 344

The purpose of **H. R. No. 344** is to request the Speaker to appoint an Interim Committee to study the Legislative Auditor's report on the medical assistance programs of the State of Hawaii. The Committee is to report the results of its study and its recommendations to the Regular Session of 1971.

The Legislative Auditor released an audit of the Medical Assistance Programs late in the 1970 session. Thus, there has not been sufficient time to conduct a thorough study of the audit. The audit is comprehensive, contains many recommendations and should be thoroughly reviewed before such recommendations are implemented.

Your Committee is in accord with the intent and purpose of **H. R. No. 344** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 775-70 Public Health, Youth and General Welfare on **H. R. No. 328**

The purpose of this Resolution, as amended, is to request the Speaker of the House of Representatives to appoint an interim committee, composed of members of the Committee on Public Health, Youth and General Welfare, to investigate the claims made on the gasoline additive F-310 by Standard Oil Company of California.

The Standard Oil Company of California has introduced in Hawaii the gasoline additive named F-310 which it claims will decrease pollution-causing exhaust emissions by one-half. Some experts, however, dispute this claim and counter that F-310 only reduces carbon monoxide and visible chemical pollutants but does not eliminate dangerous pollutants such as oxides of nitrogen and tetraethyl lead and that F-310 will not cut down air pollution. Your Committee recognizes that it is the responsibility of the State to research and control atmospheric substances that may be injurious to the health of the general public and, therefore, recommends the appointment of an interim committee to investigate the claims made on the gasoline additive F-310 to determine if these claims are substantiated.

As originally worded, this Resolution requests a House special committee to investigate the claims made on F-310. Your Committee has amended this Resolution to provide instead that an interim committee, composed of members of the Committee on Public Health, Youth and General Welfare, conduct the investigation.

Your Committee concurs with the purpose of **H. R. No. 328**, as amended herein, and recommends its adoption in the form attached hereto as **H. R. No. 328, H. D. 1**.

Signed by all members of the Committee.

SCRep. 776-70 Lands on **H. R. No. 234**

The purpose of this resolution is to request a study of the effects that the

releasing of axis deer on the island of Hawaii would have on the natural environment. Based on the increasing public concern for the ecological balance of our environment, your Committee is of the opinion that the request for such a study has merit and deserves consideration.

Your Committee has amended the resolution to request the Speaker of the House to appoint a committee from among the House members to conduct the study instead of the House Lands Committee. The title has been changed to cover the amendment.

Your Committee is in accord with the intent and purpose of **H. R. No. 234**, as amended herein, and recommends its adoption in the form attached hereto as **H. R. No. 234, H. D. 1**.

Signed by all members of the Committee.

SCRep. 777-70 Judiciary on **H. R. No. 343**

The purpose of this House Resolution is to express legislative support for Law Week, April 27 — May 1, 1970.

Your Committee is informed that May 1 marks the 13th annual observance of "Law Day, U.S.A.", and that the Bar Association of Hawaii has designated April 27 — May 1, 1970, as Law Week.

Law Week and Law Day have been set aside to remind our citizens of the importance of law to the stability and progress of our society. In these troubled times, the observance of laws and utilization of the legal process are essential to the promotion of justice and to the preservation of our democratic form of government. Disobedience to law and disruption of the legal process lead to destruction of our governmental institutions, to chaos, and to anarchy.

Both the President of the United States and the Governor of the State of Hawaii have issued proclamations urging our citizens to participate in the observance of Law Week and Law Day. Your Committee agrees that these proclamations should

be condoned and supported, and that the citizens of the State of Hawaii should be urged to support the observance of Law Week and Law Day.

Your Committee is in accord with the intent and purpose of **H. R. No. 343** and recommends its adoption.

Signed by all members of the Committee except Representatives Duponte, Heen and Oshiro.

SCRep. 778-70 Finance on H. C. R. No. 49

The purpose of this Concurrent Resolution is to request the Legislative Auditor to conduct a study on the feasibility of establishing a State System for scientific laboratory facilities. The study would include an inventory and summary of existing governmental laboratory assets and operations in the State, a survey of projected workload increases upon these existing facilities, and a detailed proposal for establishing a State system for scientific laboratory facilities.

Your Committee is in accord with the intent and purpose of **H. C. R. No. 49, H. D. 1**, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 779-70 Finance on H. R. No. 100

The purpose of this Resolution is to request the Department of Transportation to expedite the planning and execution of the widening of Fort Weaver Road.

Testimony by the Department of Transportation representatives indicated the scheduled improvement for Fort Weaver Road to begin in the fiscal year 1973 and end in fiscal year 1977.

The present average daily traffic count (ADT) from Renton Road to Ewa Beach is 8,720, well within the accepted design level of service of 13,000 ADT.

Further testimony discloses that planned studies for the first unit, that is,

from Farrington Highway to Renton Road of approximately two miles, have been completed. Construction of this first unit is scheduled for fiscal year 1975.

Planned studies for the second unit, that is, from Renton Road to Ewa Beach, is scheduled for the second half of fiscal year 1971.

When completed, this facility as planned will provide a six-mile-four-lane divided expressway.

There was also testimony indicative of a possible expediting of the planning and construction, contingent upon proper and adequate funding.

Your Committee seriously considered the time table and target dates set forth by the Department of Transportation in the matter of the planning and construction generally of our network of highways. Testimony adduced seems to give proper inference that, given a favorable set of circumstances, there is a possibility of advancing the time table in this instance.

Therefore, it is the opinion of your Committee, armed with this possibility of advancing the time table set for the planning and construction of Fort Weaver Road, that the request as set forth in this Resolution be made known to the Department of Transportation.

Your Committee is in accord with the intent and purpose of **H. R. No. 100** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 780-70 Finance on H. R. No. 205

The purpose of this Resolution is to request the Director of Taxation to consider a proportionate reduction in real property tax assessments for those property owners whose property is subject to a road improvement setback established pursuant to a general plan, a development plan, or other road improvement plan. The Director is also requested to report the results of his findings to the Regular Session of

1971.

Your Committee is in accord with the intent and purpose of **H. R. No. 205** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 781-70 Finance on H. R. No. 258

The purpose of **H. R. No. 258, H. D. 1**, is to request the Department of Transportation to study the feasibility of refunding licensing fees paid for the privilege of stationing rental vehicles at neighbor island airports when such vehicles are taken out of service.

Your Committee finds that the Department of Transportation presently imposes a licensing fee of \$45 per vehicle per year for the privilege of stationing rental vehicles at neighbor island airports. Under existing policies of the Department, when such vehicles are taken out of service during the year, no refund is made. It would seem equitable and fair to make such refunds where the privilege of using airport facilities is no longer being exercised.

Your Committee is aware, however, that there may be significant problems of administration in making such refunds if the number of vehicles in service changes frequently. At Honolulu International Airport, for example, car rental operators pay a percentage of their gross receipts rather than a set fee for the privilege of using airport facilities. Therefore, the Resolution was amended to request the Department to study the feasibility of refunding such licensing fees at neighbor island airports.

Your Committee is in accord with the intent and purpose of **H. R. No. 258, H. D. 1**, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 782-70 Finance on H. R. No. 317

The purpose of this Resolution is to request the Departments of Education and

Accounting and General Services to study the economic feasibility of allowing (1) private developers of sizeable subdivisions to design, engineer, and construct educational facilities at a negotiated fee on lands they are presently required to provide; and (2) the State and the Department of Education to lease or rent new schools with the option to purchase them at a reduction of valuable time and high costs. The Departments of Education and Accounting and General Services are also requested to investigate whether or not this method of school erection would cut off Federal funds, and to report their findings to the Regular Session of 1971.

Your Committee is in accord with the intent and purpose of this Resolution and recommends its adoption.

Signed by all members of the Committee.

SCRep. 783-70 Printing and Revisions

Informing the House that **Standing Committee Report Nos. 770-70 to 782-70, House Resolution Nos. 348 to 356, House Concurrent Resolution Nos. 117 and 118, Special Committee Report No. 12, Conference Committee Report Nos. 5 and 6 and Standing Committee Report Nos. 784-70 and 785-70** have been printed and distributed.

Signed by all members of the Committee.

SCRep. 784-70 Lands on H. R. No. 16

The purpose of this resolution is to request both agencies to conduct a study to determine whether sale or lease of single-family dwelling lots would be the form most suitable for efficient and equitable disposition of public lands under today's market conditions and, further, that both report the findings and recommendations for action to the Legislature twenty days before the convening of the Regular Session of 1971.

Your Committee is in accord with the intent and purpose of **H. R. No. 16** and recommends that it be referred to your Committee on Finance.

Signed by all members of the Committee.

SCRep. 785-70 Lands on H. R. No. 135

The purpose of this resolution is to request the Department of Land and Natural Resources to conduct a study to develop a plan with recommendations for the future use of the area presently occupied by the facility and that the study consider: (1) extension of Kailua High School, (2) expansion or relocation of the Hawaii Youth Correctional Facilities, (3) public housing, and (4) Windward Community College System.

Your Committee is in accord with the intent and purpose of **H. R. No. 135** and recommends that it be referred to your Committee on Finance.

Signed by all members of the Committee.

SCRep. 786-70 Federal-State-County on S. C. R. No. 66

The purpose of this Senate Concurrent Resolution is to request the Governor and state administration officials to reconsider the proposal for a high-rise judiciary building in the capitol civic center complex and to examine alternative proposals which are compatible with the Capitol Civic Center Complex Plan and the "visual corridor" concept.

Your Committee is in accord with the concept of maintaining the "visual corridor" that runs from Punchbowl through the State Capitol to the sea, with the State Capitol and Iolani Palace as the dominant foci. The proposed Judiciary Complex, which includes an 18 story tower, to be constructed across South King Street from the State Library, would detract from the visual corridor concept and would dominate the Civic Center Complex.

Your Committee finds that the Civic Center Complex surrounding the State Capitol should be kept free of high density buildings for practical as well as aesthetic considerations. The inclusion of a Judiciary Complex in the Center would

lead to crowding and would produce significant parking difficulties.

Your Committee recommends that the state administration seriously consider alternative sites for the Judiciary Complex on the periphery of the Capitol-Civic Center Complex.

Your Committee on Federal, State and County Relations is in accord with the intent and purpose of **S. C. R. No. 66** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 787-70 Federal-State-County on S. C. R. No. 68

The purpose of this Concurrent Resolution is to request that Congress enact legislation to grant disabled veterans cost of living allowances in addition to their disability pensions.

Federal employees employed in this state are paid cost of living allowances in addition to their salaries in recognition of the fact that living costs here are higher than on the mainland. Disabled veterans living in Hawaii, however, are not paid such allowances although they are subject to the same high living costs that Federal employees are. Rapid rises in living cost, especially in food prices and in the cost of medical and hospital services, in the last few years have served to accentuate the problems of these disabled veterans who have not had their pensions adjusted to the cost of living in the state. The payment of cost of living allowances to partly alleviate their problems would be in order.

Your Committee is in accord with the intent and purpose of **S. C. R. No. 68** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 788-70 Lands on H. R. No. 12

The purpose of this resolution is to encourage the Governor and the Board of Land and Natural Resources to exchange

public land for private land for residential purposes. Although the state owns over thirty-eight per cent of the total land area in Hawaii, not all of this land is suitable for housing, therefore, the land exchange program is being encouraged to alleviate the land scarcity problem underlying the housing crisis.

Your Committee is in accord with the intent and purpose of **H. R. No. 12** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 789-70 Lands on H. R. No. 144

The purpose of this resolution is to request the Department of Land and Natural Resources to negotiate with the Navy for an easement or permit to the rights-of-way covering those parcels of land used by the United States Navy for railroad purposes, situated from West Loch to Lualualei, Oahu, and that it negotiate with Hawaiian Electric Company for an easement or a permit to the rights-of-way covering those parcels of land, situated from Waipahu to West Loch, Oahu, to be used for a Leeward Oahu railway park.

Your Committee finds that twelve miles of railroad tracks cover these parcels of land and that these tracks pass through Ewa and along the ocean front to Nanakuli, offering sights now inaccessible to the public. Inasmuch as these tracks are seldom used by the United States Navy, your Committee is of the opinion that a railroad offering sightseeing tours along the route, coupled with the establishment of beach parks along the route, would provide major recreational facilities in the Leeward area.

Your Committee is in accord with the intent and purpose of **H. R. No. 144** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 790-70 Lands on H. R. No. 170

The purpose of this resolution is to request the Water and Land Development

Division, Department of Land and Natural Resources and the Board of Water Supply, County of Hawaii, to coordinate their plans and efforts for the development of a quality water system for the entire Kau area, County of Hawaii. The existing water facilities and reservoirs in the Kau region appear to be inadequate to meet the needs of this developing area.

Your Committee is in accord with the intent and purpose of **H. R. No. 170** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 791-70 Lands on H. R. No. 171

The purpose of this resolution is to request the Department of Land and Natural Resources to conduct an investigation for the purpose of locating unused land that would be appropriate as a site for sport parachuting and to report its findings to the Legislature not later than twenty days before the convening of the Regular Session of 1971.

Your Committee is in accord with the intent and purpose of **H. R. No. 171** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 792-70 Lands on H. R. No. 187

The purpose of this resolution is to request the Governor, the Department of Transportation and the Department of Land and Natural Resources to take all necessary and appropriate steps to establish a public beach park along the southern shoreline of Anuenue Island and, further, that the park consist of a strip of land extending not less than 100 yards inland which shall begin at the island access bridge and extend in an easterly direction along the southern shoreline of Anuenue Island to the Diamond Head entrance to Honolulu Harbor.

Your Committee is in accord with the intent and purpose of **H. R. No. 187** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 793-70 Lands on H. R. No. 236

The purpose of this resolution is to request the Governor to rename Anuenue to Sand Island because the name Sand Island has been popularly accepted by local residents for an extended period of time and is a simple, descriptive and appropriate designation of that body of land located in Honolulu Harbor. Further, there has been an indication of non-acceptance and lack of enthusiasm by the general public and certain elements of mass media for the name Anuenue.

Your Committee is in accord with the intent and purpose of **H. R. No. 236** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 794-70 Lands on H. R. No. 354

The purpose of this resolution is to request the Department of Land and Natural Resources and the Department of Transportation to cease issuing public land leases or licenses for the use of public land to any private social or recreational organizations unless absolute right of public entry and use is guaranteed. It is further requested that if social or recreational facilities be required on public property, that such facilities be developed through the normal state capital improvements program and that such facilities are operated through concessionaires selected according to law in order that public use and enjoyment of public areas may be insured.

Your Committee is in accord with the intent and purpose of **H. R. No. 354** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 795-70 Public Health, Youth and General Welfare on H. C. R. No. 117

The purpose of this Resolution is to establish a temporary commission to ex-

amine all aspects of environmental problems with a view toward pinpointing those problems which can be solved by legislative action and recommending a comprehensive program of legislation. The ten-member commission, appointed by the Speaker of the House of Representatives and the President of the Senate, would submit a report of its recommendations to the 1971 legislative session.

Your Committee concurs with the purpose of **H. C. R. No. 117** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 796-70 Housing and Consumer Protection on H. R. No. 355

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study on the revision of the landlord-tenant law. In its study the Legislative Reference Bureau is requested to consult with the Hawaii Commission to Promote Uniform Legislation, tenant organizations, landlord organizations, and other organizations representing real property interests and general concern with rental housing.

Revision of the landlord-tenant law is a matter of special interest in Hawaii where a tight residential renting market accentuates the unequal bargaining position between tenants and landlords. Your Committee believes that a workable and fair reform of the landlord-tenant law would benefit the interests of both landlords and tenants.

Your Committee concurs with the purpose of **H. R. No. 355** and recommends its adoption.

Signed by all members of the Committee except Representative Heen.

SCRep. 797-70 Agriculture on H. R. No. 357

The purpose of this Resolution is to request the Director of the Department of Transportation to review the wharfage rate

for livestock relative to the rates assessed on other freight, and to remedy any inequities which may exist through amending the appropriate rules and regulations.

Your Committee has reviewed the existing wharfage rates which are assessed on the shippers of commodities for the use of wharfs, ships, channels, basins or canals of the various ports of the State. Your Committee has also reviewed the role of inter-island surface transportation as it affects the various livestock industries of the State, and has consulted with the Director of the Department of Transportation in this regard.

As a result, your Committee finds that the majority of cattle shipped inter-island today are not full-grown cattle, but rather are young feeder cattle or young dairy stock. The size and weight of these cattle are significantly less than the full-grown livestock which several years ago consisted of the vast majority of cattle shipped between Oahu and the neighbor islands.

Your Committee also finds that the basis for wharfage rates is related to the size, weight, or value of the item, and that the fees assessed normally fluctuate as one or more of the above factors vary. Therefore, the existing tariff structure for wharfage rates normally provides for variable fees within those commodity groups which include varieties of more than one description.

However, since all cattle are assessed at the same rate there is no consideration to variations of size, weight or value. There now exist at least two different categories of cattle being commonly shipped inter-island — the full-grown, marketable animal as opposed to the young dairy heifer or feeders. Your Committee, therefore feels that the Department of Transportation should review the justification for continuing to assess a single fee on these various categories of livestock. In addition your Committee is in agreement that any inequities can and should be remedied within the authority of the Department of Transportation.

Your Committee on Agriculture is in

accord with the intent and purpose of **H. R. No. 357** and recommends its adoption.

Signed by all members of the Committee except Representatives Oshiro, Sakima and Oda.

SCRep. 798-70 Federal-State-County on **H. R. No. 353**

The purpose of this Resolution is to request the Speaker of the House of Representatives to appoint not less than three members from the House of Representatives to an Interim Committee to research and study current programs, practices, policies and statutes with a view toward determining whether the State's basic administrative structure is designed to cope with present Federal-State-County programs which are geared to our modern technological and scientific needs. Your Committee finds that the State's role in the administration of Federal-State-County programs should be clearly planned and programmed in terms of organizational and operational functions.

Your Committee is in accord with the intent and purpose of **H. R. No. 353** and recommends that it be adopted.

Signed by all members of the Committee except Representatives Lum and Miho.

SCRep. 799-70 Federal-State-County on **H. C. R. No. 118**

The purpose of this Resolution is to request the Speaker of the House of Representatives and the President of the Senate to appoint not less than three members from each house to a joint interim committee to research and study current programs, practices, policies and statutes with a view toward determining whether the State's basic administrative structure is designed to cope with present Federal-State-County programs which are geared to our modern technological and scientific needs. Your Committee finds that the State's role in the administration of Federal-State programs should be clearly planned and programmed in terms of organizational and operational functions.

Your Committee is in accord with the intent and purpose of **H. C. R. No. 118** and recommends that it be adopted.

Signed by all members of the Committee except Representatives Lum and Miho.

SCRep. 800-70 Printing and Revisions

Informing the House that **House Resolution Nos. 357 to 360, House Concurrent Resolution Nos. 119 and 120, Conference Committee Report Nos. 7 and 8 and Standing Committee Report Nos. 786-70 to 799-70** have been printed and distributed.

Signed by all members of the Committee.

SCRep. 801-70 Printing and Revisions

Informing the House that **House Resolution Nos. 361 to 363, Standing Committee Report Nos. 802-70 to 804-70 and Conference Committee Report No. 9** have been printed and distributed.

Signed by all members of the Committee.

SCRep. 802-70 Finance on **H. R. No. 352**

The purpose of this Resolution is to request the Legislative Auditor to evaluate the New Careers Demonstration Project and to make recommendations regarding the relative merit of the project and its continuation. The report will include consideration of the following: the organization, sponsorship and monitoring of the project, the receptiveness of the various departments and the availability of positions, the success of placing enrollees in the jobs intended, the content of the training program, the agreements entered into by the departments, the promotion ladder and the recruitment and promotion efforts.

Your Committee is in accord with the intent and purpose of **H. R. No. 352** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 803-70 Economic Development on

H. R. No. 351

The purpose of **H. R. No. 351** is to request the Center for Engineering Research of the University of Hawaii to submit to the Regular Session of 1971 a proposal for the study of new energy sources for the State. The requested proposal is to include the means whereby such a study can be conducted, the type of research and staff required, the time needed to complete the study, and the cost factors involved.

Your Committee finds that demands for power in Hawaii will greatly increase in the near future. Presently, most of the energy consumed in the State is produced by the burning of petroleum and other fossil fuels. The burning of such fuels is the largest source of air pollution within our State. Less polluting energy sources such as nuclear power and geothermal power may be feasible in Hawaii. This resolution requests the University to take the first step in planning for the future by accomplishing the preliminary groundwork for a comprehensive study of alternative energy sources.

Your Committee is in accord with the intent and purpose of **H. R. No. 351** and recommends its adoption.

Signed by all members of the Committee except Representatives Bicoy and Roehrig.

SCRep. 804-70 Lands on **H. R. No. 358**

The purpose of this resolution is to request the Speaker of the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, to appoint an interim committee to study and review the leasing policies of the Board of Land and Natural Resources.

Your Committee finds that there is sufficient evidence to warrant a study and review of State leasing policies to ensure the selection of proper and qualified lessees. As an example, the construction deadline included in the 65-year lease issued to the firm of Sparkman and McClean Company has been extended

several times, but the firm continues to be in default and it reportedly cannot go on with the project because of financing and other problems. Your Committee is of the opinion that defaults of State leases of this magnitude are detrimental to the economy of the State and indicates the necessity for possible revision of State leasing policies.

Your Committee is in accord with the intent and purpose of H. R. No. 358 and recommends its adoption.

Signed by all members of the Committee except Representative Heen.

SCRep. 805-70 Printing and Revisions

Informing the House that House Resolution Nos. 364 to 367, Standing Committee Report Nos. 806-70 to 808-70 and Conference Committee Report Nos. 10 to 15 have been printed and distributed.

Signed by all members of the Committee.

SCRep. No. 806-70 Public Health, Youth and General Welfare on H. B. Nos. 62, 104, 105, 107, 119, 120, 162, 178, 189, 194, 204, 224, 236, 360, 390, 432, 454, 473, 497, 595, 671, 759, 770, 795, 796, 803, 807, 951, 952, 967, 970, 1044, 1052, 1134, 1154, 1164, 1190, 1212, 1222, 1345-70, 1346-70, 1347-70, 1351-70, 1358-70, 1359-70, 1363-70, 1428-70, 1462-70, 1463-70, 1501-70, 1502-70, 1506-70, 1525-70, 1543-70, 1544-70, 1575-70, 1576-70, 1577-70, 1604-70, 1637-70, 1655-70, 1700-70, 1746-70, 1770-70, 1771-70, 1774-70, H. D. 1, 1796-70, 1873-70, 1913-70, 1952-70, 1958-70, 1968-70, 1978-70, 2030-70, 2047-70, 2048-70, 2057-70, 2065-70, 2071-70, 2080-70, 2109-70, 2121-70, 2147-70; H. R. Nos. 31, 57, 114, 121, 139, 177, 178, 203, 230, 290, 329, 330; H. C. R. Nos. 9, 22, 39, 41, 54, 82, 101; S. B. Nos. 789, S. D. 2, 928, 1192-70, S. D. 1, 1633-70, S. D. 2; and S. C. R. No. 15.

Your Committee recommends that the above measures be filed.

Signed by all members of the Committee.

SCRep. 807-70 Judiciary on H. B. Nos. 10, 12, 15, 17, 18, 19, 42, 101, 102, 110, 114, 121, 143, 144, 147, 149, 150, 155, 156, 164, 186, 190, 191, 210, 215, 237, 238, 239, 245, 253, 254, 258, 325, 330, 331, 332, 334, 337, 338, 345, 346, 347, 353, 354, 359, 365, 367, 385, 391, 400, 409, 410, 411, 424, 425, 428, 458, 462, 463, 464, 466, 469, 496, 499, 530, 531, 532, 533, 534, 551, 582, 594, 598, 615, 650, 652, 654, 660, 661, 726, 729, 749, 750, 753, 764, 780, 788, 790, 791, 802, 813, 832, 833, 843, 852, 854, 865, 891, 919, 923, 924, 927, 934, 936, 955, 964, 997, 998, 999, 1009, 1010, 1016, 1017, 1022, 1038, 1062, 1074, 1076, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1091, 1093, 1094, 1095, 1101, 1102, 1104, 1106, 1113, 1120, 1126, 1127, 1129, 1130, 1149, 1155, 1156, 1161, 1163, 1167, 1172, 1186, 1188, 1189, 1206, 1208, 1217, 1220, 1225, 1238, 1240, 1248, 1255, 1257, 1290-70, 1295-70, 1297-70, 1298-70, 1300-70, 1311-70, 1325-70, 1328-70, 1349-70, 1366-70, 1374-70, 1390-70, 1432-70, 1433-70, 1461-70, 1483-70, 1522-70, 1536-70, 1549-70, 1565-70, 1573-70, 1616-70, 1645-70, 1647-70, 1681-70, 1734-70, 1792-70, 1794-70, 1799-70, 1802-70, 1804-70, 1834-70, 1874-70, 1875-70, 1881-70, 1895-70, 1896-70, 1903-70, 1923-70, 1942-70, 1945-70, 1954-70, 1965-70, 1972-70, 1976-70, 1977-70, 1989-70, 1997-70, 2017-70, 2026-70, 2066-70, 2074-70, 2077-70, 2089-70, 2094-70, 2095-70, 2102-70, 2106-70, 2111-70, 2136-70, 2140-70 and 2145-70; and S. B. Nos. 93, 126, 165, 324, 626, 738, 777, 808, 932, 965, 988, 1043, 1207-70, 1210-70, 1801-70 and 1925-70; and H. R. Nos. 50, 91, 117, 164, 189 and 327; and H. C. R. No. 42.

Your Committee on Judiciary to which were referred the above measures recommends that said measures be filed.

Signed by all members of the Committee.

SCRep. 808-70 Public Health, Youth and General Welfare on H. C. R. No. 119

The purpose of this house concurrent resolution is to request the Legislative Reference Bureau to study the need for establishing a commission on population planning and to report its findings to the Legislature at least ten days prior to the conven-

ing of the 1971 Regular Session. Your Committee finds that exploding population growth is a fundamental cause of environmental deterioration — intensifying problems of air pollution, water pollution, pesticide contamination, transportation, education, health care, hunger, poverty, crime and mental illness. Your Committee feels that a study on the effect of population growth should be conducted in order to be able to establish goals in economic development, health care, education, urban planning, transportation, welfare and recreation.

Your Committee is in accord with the intent and purpose of **H. C. R. No. 119** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 809-70 Housing and Consumer Protection on H. R. No. 360

The purpose of **H. R. No. 360** is to request the Legislative Reference Bureau to study the feasibility of regulating persons who hold themselves out to the public as being skilled in the preparation of tax returns. The resolution requests the Bureau to report its findings ten days prior to the convening of the Regular Session of 1971.

Your Committee finds that there are a growing number of persons and organizations in the business of preparing tax returns. These persons and organizations hold themselves out to the public as being skilled in the preparation of tax returns.

Your Committee further finds that such persons and organizations frequently are not competent in the tax field. Since many return preparers close their offices after the tax season, taxpayers frequently find that they have no recourse when their returns prove faulty. It may be in the public interest to empower the State to regulate those in the business of preparing returns to ensure that they have the requisite degree of training and skill.

Your Committee is in accord with the intent and purpose of **H. R. No. 360** and

recommends its adoption.

Signed by all members of the Committee.

SCRep. 810-70 Public Health, Youth and General Welfare on S. C. R. No. 75

The purpose of this resolution is to express the support of the Hawaii State Legislature to the Hawaii Medical Association in the formation of a Hawaii Committee on Drug Abuse. The findings and recommendations of this Committee on Drug Abuse may well assist the Legislature in enacting laws and preparing programs in this area.

The Hawaii Medical Association as of late has become concerned about the lack of coordinated efforts in education concerning drugs and in the prevention of drug abuse in the community. To fill this void, the H.M.A. is planning to form a Hawaii Committee on Drug Abuse consisting of representatives from scientific groups and from government. This resolution requests that at least one legislator be named to this Committee and that the Legislature be informed of the findings and recommendations of this Committee.

Your Committee has amended this resolution for style purposes.

Your Committee concurs with the purpose of **S. C. R. No. 75**, as amended herein, and recommends its adoption in the form attached hereto as **S. C. R. No. 75, H. D. 1**.

Signed by all members of the Committee.

SCRep. 811-70 Lands on S. C. R. No. 25

The purpose of this concurrent resolution is to aid in the development of a model ecological project in the area of Hui Ko'olau for demonstrating the compatibility of man's economic growth and the enhancement of the natural environment through sound planning which gives full consideration to man and his God-given natural surroundings.

Your Committee finds that both the Legislature and the public are aware of the increasing need for preserving and improving the quality of the environment of the State of Hawaii and its physical resources, and, further, are aware of the need for investigating feasible and meaningful methods by which environmental preservation, control and planning might be achieved. Your Committee also finds that one of the most feasible and meaningful methods is for a community to organize itself to plan and control its own growth and development, and the use of its own social, economic and physical resources.

Hui Ko'olau of Windward Oahu, representing the greater Kahaluu area, including at least sixteen neighborhood clusters with a membership of over six hundred, is such a community organization. It is organized expressly for the purpose of developing long-range goals for the development and control of environmental resources of the area. As an example of its capabilities for planning, implementing and controlling programs and activities in the community interest, the Hui is considering the ecology of its area in the development of a long-range comprehensive plan in conjunction with the neighborhood community associations and the Windward Citizens Planning Council, and also has worked cooperatively with the Windward Oahu Soil and Water Conservation District.

In view of its proven capabilities, your Committee is of the opinion that the Hui Ko'olau area should be established as an ecological model for the benefit of other communities, as well as for the promotion of cooperation, coordination and assistance by the several state and county agencies with such community organizations. In line with this, the Department of Planning and Economic Development is requested to provide any staff assistance deemed necessary for the furtherance of the goals and operations of this organization.

Your Committee has amended the second resolve paragraph of this resolution by deleting any references to the State providing funds to the organization. It is the opinion of your Committee that funds can-

not be appropriated through the adoption of resolutions.

Your Committee is in accord with the intent and purpose of **S. C. R. No. 25**, as amended herein, and recommends its adoption in the form attached hereto as **S. C. R. No. 25, H. D. 1.**

Signed by all members of the Committee.

SCRep. 812-70 Finance on S. B. No. 174

The purpose of this bill is to establish a permanent State commission and county committees on the status of women to develop long-range goals, and to coordinate research planning, programming and action on the opportunities, needs, problems, and contributions of women in Hawaii in education, homemaking, civil and legal rights, labor and employment, and expanded community horizons.

Your Committee feels that the status of women in modern society needs comprehensive continuing study. The Governor's Commission on the Status of Women in 1966 has established a framework from which this permanent commission can increase the awareness of women's responsibilities and opportunities and the importance of their roles in our rapidly changing society.

Your Committee has amended this bill by deleting the appropriation and the provisions for permanent staff. It is the intent of your Committee that the commission function on an advisory basis only.

Your Committee is in accord with the intent and purpose of **S. B. No. 174, S. D. 2**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 174, S. D. 2, H. D. 1.**

Signed by all members of the Committee.

SCRep. 813-70 Finance on S. B. No. 1840-70

The purpose of this bill is to provide

a supplemental appropriation to expand the Governor's Conference on the Year 2000 to include a youth conference on the year 2000.

Your Committee has amended this bill to include a \$15,000 appropriation to expand the program of the conference to the neighbor islands.

Your Committee is in accord with the intent and purpose of **S. B. No. 1840-70, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1840-70, S. D. 1, H. D. 1**.

Signed by all members of the Committee.

SCRep. 814-70 Finance on S. B. No. 815

The purpose of this bill is to establish a joint committee on human resources to develop a coordinated program covering the entire complex of interrelated activities required to ensure the optimal conservation of human resources with minimum fragmentation, discontinuity and duplication of services as recommended by the Greenleigh Report.

Of primary concern are overlapping functions in the Department of Health and the Department of Social Services.

Your Committee has amended this bill by providing for eleven members in the joint committee with the Speaker of the House and the President of the Senate each appointing three members and the Governor appointing five members.

Your Committee is in accord with the intent and purpose of **S. B. No. 815, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 815, S. D. 1, H. D. 1**.

Signed by all members of the Committee

SCRep. 815-70 Finance on S. B. No. 1157-70

The purpose of this bill is to establish

the position of marine affairs coordinator in the office of the Governor as the mechanism for effecting a unified and coordinated approach to the fullest development and utilization of Hawaii's marine resources.

Your Committee finds that there is a need for a planned and concerted effort to explore and develop to their fullest potential the vast, under-utilized resources of the Pacific Ocean, and especially, the resources in and around Hawaiian waters. Your Committee is also concerned with the depletion of fish, shell, and marine life in Hawaiian waters. The development of mass cultural techniques under artificial conditions and release at selected sites or cultivation by private industry will increase the resources of the State. If the State government takes prompt and effective action, benefits will accrue to the people of Hawaii for years to come. However, if it fails to take action, Hawaii can surely lose to others already exploiting the resources of the Pacific.

The necessity for establishing a marine affairs coordinator is underscored by the fact that there is not now in State government any means by which existing marine programs, and particularly those programs which involve the responsibilities of more than one State agency, can be pulled together for a comprehensive approach in the planning, research, development and promotion of Hawaii's marine environment.

Your Committee has amended this bill as follows:

(1) provided \$50,000 for the development of preliminary plans for marine science research parks;

(2) reduced to \$100,000 the appropriation for a pilot marine resources survey of the area within boundaries set at Koko Head and the north margin of Kahana Bay;

(3) deleted the appropriations for the marine affairs coordinator, the regional planning and logistical support center, the study on fixing the financial and criminal responsibility for damages resulting from

oil spills and the research and purse-seine tests for harvesting tuna. The appropriations for the oil spill study and the purse-seine tests are provided in separate bills. The appropriation for the marine affairs coordinator is provided in the operating budget; and

(4) appropriated \$190,000 for the survey, research, development and promotion of Hawaii's marine resources by private industry, provided State funds are matched by an equal amount from private industry.

Your Committee is in accord with the intent and purpose of **S. B. No. 1157-70, S. D. 2, H. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1157-70, S. D. 2, H. D. 2**.

Signed by all members of the Committee.

SCRep. 816-70 Finance on S. B. No. 1675-70

The purpose of this bill is to appropriate the sum of \$50,000, or so much thereof as may be necessary, to study and review the public utility and transportation laws of the State of Hawaii and prepare legislation indicated by the review.

Your Committee finds that these laws have not been updated for many years and that the growth in the economy and in the transportation network so vital to our economy requires a review as we enter the decade that will be our springboard into the next century.

Your Committee has amended the bill by requiring that the Department of Regulatory Agencies consult with the Attorney General prior to awarding the contract for the study.

Your Committee is in accord with the intent and purpose of **S. B. No. 1675-70**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1675-70, H. D. 1**.

Signed by all members of the Commit-

tee.

SCRep. 817-70 Finance on S. B. No. 1975-70

The purpose of this bill is to create the Hawaii Bicentennial Commission to plan for the commemoration of the 200th birthday of our nation in 1976.

The Commission shall:

1. prepare an overall program for commemorating the bicentennial of the American Revolution in Hawaii;

2. develop and coordinate observances and activities commemorating the historic events that preceded and are associated with the American Revolution;

3. consult, cooperate with and seek advice from appropriate state departments, agencies, local public bodies and other historical, civic, philanthropic and related organizations;

4. accept donations of money, personal property or personal services; and

5. submit to the Legislature an annual report on all activities including an accounting of all property and money received and disbursed.

Your Committee has amended this bill by deleting the reference to appointment of personnel for the Commission. It is the intent of your Committee that the Department of Planning and Economic Development provide the required clerical services.

Your Committee is in accord with the intent and purpose of **S. B. No. 1975-70, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1975-70, S. D. 1, H. D. 1**.

Signed by all members of the Committee.

SCRep. 818-70 Finance on S. B. No. 986

The purpose of this bill is to encourage

the purchase, construction or reconstruction and installation of pollution control facilities by allowing a taxpayer, as a tax deduction an accelerated amortization schedule.

Your Committee has amended this bill by permitting amortization of any pollution control facility in the manner, for the period and to the extent set out in Section 169 of the Internal Revenue Code of 1954 as amended by the Tax Reform Act of 1969. Since **S. B. No. 986** was introduced in the 1969 session, the provisions of the Tax Reform Act of 1969 were not incorporated therein. Your Committee finds that the adoption of the federal statute by the State in this regard will encourage the use of such facilities and will simplify administration of Hawaii's income tax laws.

Your Committee is in accord with the intent and purpose of **S. B. No. 986, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 986, S. D. 1, H. D. 1**.

Signed by all members of the Committee.

SCRep. 819-70 Finance on S. B. No. 1007

The purpose of this bill is to provide tax incentives to encourage the installation of air pollution control facilities and devices. This bill allows exemptions from the general excise tax, the use tax and the real property tax.

Your Committee, upon the recommendation of the Department of Taxation, has clarified many of the provisions of the bill. It adopts, wherever applicable, provisions contained in the Tax Reform Act of 1969.

Your Committee is in accord with the intent and purpose of **S. B. No. 1007, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1007, S. D. 1, H. D. 1**.

Signed by all members of the Committee.

SCRep. 820-70 Finance on S. B. No. 1342-70

The purpose of this bill is to appropriate a sum out of the general revenues of the State of Hawaii to the mental health division of the Department of Health.

Your Committee has amended this bill to provide the sum of \$46,782 for the operation of preventive and clinical services programs at Wahiawa Mental Health Clinic, Waipahu Mental Health Clinic and the Waianae Day Treatment Center. The appropriation is principally for securing necessary registered professional nurses and paramedical assistants in order to maintain the comprehensive programs being presently administered at these mental health clinics.

Your Committee is in accord with the intent and purpose of **S. B. No. 1342-70, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1342-70, S. D. 1, H. D. 1**.

Signed by all members of the Committee.

SCRep. 821-70 Finance on S. B. No. 1134-70

The purpose of this bill is to appropriate funds to establish a systematic and continuous shark control program.

Your Committee has reduced the appropriation to \$50,000.

Your Committee wishes to emphasize that major control efforts should be concentrated in and near swimming beaches, and surfing and scuba diving areas where shark attacks on people pose the greatest hazard.

Your Committee is in accord with the intent and purpose of **S. B. No. 1134-70**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1134-70, H. D. 1**.

Signed by all members of the Committee.

tee.

SCRep. 822-70 Finance on S. B. No. 1520-70

The purpose of this bill is to appropriate funds to the Governor to contract with existing county agencies for enforcement and with qualified non-profit private organizations for education and rehabilitation projects relating to drug abuse.

Your Committee has reduced the appropriation to \$75,000.

Your Committee is in accord with the intent and purpose of **S. B. No. 1520-70, S. D. 2**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1520-70, S. D. 2, H. D. 1**.

Signed by all members of the Committee.

SCRep. 823-70 Finance on S. B. No. 1971-70

The purpose of this bill is to establish a "Natural Area Reserves System" in order to protect and preserve the unique natural resources of the State of Hawaii for the enjoyment of future generations and to provide base lines against which changes which are being made in the total environment of the State can be measured.

The bill provides for the establishment of a Natural Area Reserves System Commission, as a part of the Department of Land and Natural Resources, to consist of eleven members. Six of the members of the commission shall be persons possessing scientific qualifications and be nominated, and by and with the advice and consent of the Senate, appointed by the Governor. The bill also provides that the Chairman of the Board of Land and Natural Resources, the Superintendent of Education, the Director of Planning and Economic Development, the Chairman of the Board of Agriculture and the President of the University of Hawaii, or their designated representatives, shall serve as ex-officio voting members. The chairman of said commission shall be appointed by the

Governor.

The bill further provides for a fine of \$100 or imprisonment of not more than 30 days, or both, against any person found in violation of any of the laws and rules and regulations applicable to the reserves system.

Your Committee has amended this bill by providing an appropriation of \$60,000 to the Department of Land and Natural Resources for the purpose of this Act.

Your Committee is in accord with the intent and purpose of **S. B. No. 1971-70, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1971-70, S. D. 1, H. D. 1**.

Signed by all members of the Committee.

SCRep. 824-70 Finance on S. B. No. 1920-70

The purpose of this bill is to lend more flexibility to the counties in their fiscal management by permitting counties to utilize resources in the county highway fund for mass transit purposes. Existing provisions permit expenditures from the highway fund for various transportation related purposes such as the construction, maintenance, improvement and repair of public roads and highways, for debt service on such projects and for other transportation related projects but not for mass transit.

Your Committee feels that the proposed amendment will enable the counties to more effectively allocate available resources by providing more flexibility in their utilization of funds. For example, under existing limitations, available current revenues in the highway fund cannot be used for a bus transportation system and therefore, such a program would have to be foregone if general funds were not available. This proposal would make possible the funding of such a program with highway funds and making up for it by programming general obligation bond funds for highway related capital projects. Vari-

ous forms of mass transportation, by reducing highway load factors, will be beneficial to those who must use the highways. Mass transit systems will also substantially reduce highway construction costs as well as further encroachment on already limited housing facilities. Finally, the proposal is consistent with generally accepted fiscal thinking that fewer restrictions and special funds are more conducive to sound fiscal management.

Your Committee is in accord with the intent and purpose of **S. B. No. 1920-70** and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 825-70 Finance on S. B. No. 1921-70

The purpose of this bill is to permit counties to use a portion of their highway funds for mass transit purposes.

The provisions of Section 243-6, Hawaii Revised Statutes, now permit the expenditure of funds from the county fuel taxes for various transportation related purposes such as the construction, maintenance, improvement and repair of public roads and highways, but not for mass transit which is but another mode of transportation. The proposed amendment will permit expenditures for mass transit, a desirable change since fewer restrictions on the allocation of resources will normally result in better utilization of funds.

Your Committee is in accord with the intent and purpose of **S. B. No. 1921-70** and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 826-70 Finance on S. B. No. 1261-70

This bill proposes to increase the State's contribution to the public employees health fund. Your Committee finds that with recent raises in insurance rates, some

employees are now paying approximately two thirds of the premiums. In order to ease some of the pressure of rising medical costs, your Committee has provided for an increase in the State contribution from \$3 to \$5 for each employee-beneficiary and from \$10 to \$15 for each employee-beneficiary with a dependent-beneficiary.

Your Committee is in accord with the intent and purpose of **S. B. No. 1261-70, S. D. 2**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1261-70, S. D. 2, H. D. 1**.

Signed by all members of the Committee.

SCRep. 827-70 Finance on S. B. No. 1728-70

The purpose of this bill is to initiate a pilot project to examine the effectiveness and feasibility of utilizing public health nurses and health aides to provide school health services for grades kindergarten to twelve in the public schools.

Your Committee has amended this bill by increasing the size of the school health services advisory committee from nine to eleven and by clarifying that the health aides shall be hired on a contractual basis.

Your Committee is in accord with the intent and purpose of **S. B. No. 1728-70, S. D. 2**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1728-70, S. D. 2, H. D. 1**.

Signed by all members of the Committee.

SCRep. 828-70 Finance on S. B. No. 1132-70

This bill will be of tremendous importance to the future of Hawaii. It establishes in the Governor's office a director of environmental quality control to coordinate, research and explain the future dimensions of our growth.

The main thrust of this office is to help

direct and guide our progress into the next century to analyze our problems in the scope they will rapidly assume. This new decade of the seventies must begin the generation of preparedness which will develop the quality of our life with the challenges of the new century in mind. Changes and technology multiply geometrically and our ability to cope with them and to control the quality of our life is lost if we are not prepared.

We must use this new decade of the seventies as a decade of decision to commit ourselves to the challenge of the new century by constituting ourselves a prepared generation.

Your Committee has amended this bill by:

(a) reducing the appropriation to \$155,000. A \$35,000 appropriation for the director of environmental quality control has been placed in the operating budget.

(b) creating an environmental council consisting of not more than fifteen members. The provisions for the executive committee and the advisory committee have been deleted.

Your Committee is in accord with the intent and purpose of **S. B. No. 1132-70, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1132-70, S. D. 1, H. D. 1**.

Signed by all members of the Committee except Representatives Devereux and Lum.

SCRep. 829-70 Finance on S. B. No. 1405-70

The purpose of this bill is to appropriate \$204,098 to the Department of Health for pollution control, to supplement funds which are appropriated in the operating budget.

The additional funds were requested by the administration to enable the Department of Health to expand its monitoring, research and regulatory activities in the

program of air sanitation, occupational and radiological health, and sanitary engineering.

Of the total amount requested, \$59,220 is to be allocated to the Air Sanitation Branch. There is an urgent need to expand the capabilities of the branch to meet requirements of the Federal Air Quality Act of 1967 and to meet the growing air pollution problem in Hawaii. The present level of staffing is not sufficient to obtain the necessary air quality data to establish standards, goals, and to implement standards approved by the Federal government.

The sum of \$21,269 is requested to enable the department to plan and implement a program in community noise control. Additional personnel, equipment, and expenses are needed for the purposes of data compilation, setting guidelines and criteria for noise control, providing consultative and technical services, and participating with county governments in developing ordinances and the means to regulate the noise problem in the community.

The bill provides \$123,609 to expand the staff in the sanitary engineering branch so that an aggressive water pollution control program can be undertaken. The Department of Health plans to implement a Statewide monitoring and surveillance program with a control center in Honolulu. The expanded staff will be engaged in baseline studies, sampling, conducting field investigations, determining water quality through bacteriological and chemical analyses, and reviewing plans for sewage works.

The breakdown of staff and other requirements to expand the environmental health programs is as follows:

Air Pollution Control	
Environmental Health	
Specialist	\$18,348(2)
Chemist III	8,508(1)
Clerk Stenographer	5,484(1)
Equipment	14,975
Operating Expenses	11,905
	<u>\$59,220(4)</u>

Noise Pollution Control	
Environmental Health	
Specialist	\$18,348(2)
Equipment	815
Operating Expenses	2,106
	\$21,269(2)
 Water Pollution Control	
Chemist II	\$14,688(2)
Microbiologist II	7,344(1)
Sanatarians	54,546(6)
Stenographer II	5,484(1)
Equipment	13,293
Operating Expenses	15,150
Motor Vehicles	13,104
	\$123,609(10)

Your Committee shares the concern of the people of Hawaii that immediate actions must be taken to preserve and perpetuate a habitable environment. Your Committee believes that the acceleration of programs to insure air quality, to abate water pollution and to eliminate and control excessive noise is essential to the well-being of Hawaii's people and the generations to follow.

Your Committee is in accord with the intent and purpose of S. B. No. 1405-70, as amended herein, and recommends its passage on third reading in the form attached hereto as S. B. No. 1405-70, H. D. 1.

Signed by all members of the Committee except Representatives Devereux and Lum.

SCRep. 830-70 Finance on S. B. No. 1286-70

The purpose of this bill is to establish a Commission on the Year 2000, composed of nine members to be appointed by the Governor, within the office of the Governor for administrative purposes. The chief duties of the Commission are to study the effects of scientific and technological achievements and social change on the economic, political, cultural and social environment of Hawaii; identify the economic, political, cultural, social and environmental goals of the State; recom-

mend action for the achievement of these goals; and assist and coordinate the plans, programs and activities, both public and private, in all areas relating to the future of Hawaii.

The Governor's Conference on the Year 2000 is presently developing plans for its three-day conference in August. It is anticipated that its reports, position papers and recommendations will provide some direction to the Commission. Until that time, your Committee feels that the operating requirements of the Commission will not be too great. Accordingly, your Committee has amended this bill by reducing the appropriation to \$50,000.

Your Committee is in accord with the intent and purpose of S. B. No. 1286-70, as amended herein, and recommends its passage on third reading in the form attached hereto as S. B. No. 1286-70, H. D. 1.

Signed by all members of the Committee.

SCRep. 831-70 Printing and Revisions

Informing the House that **Standing Committee Report Nos. 809-70 to 830-70, Conference Committee Report No. 16, House Resolution Nos. 368 to 373, House Concurrent Resolution Nos. 121 to 124 and Standing Committee Report No. 832-70** have been printed and distributed.

Signed by all members of the Committee except Representative Lee.

SCRep. 832-70 Public Institutions and Social Services on H. B. Nos. 232, 235, 293, 826, 910, 943, H. D. 1, 1036, 1141, 1239, 1326-70, 1381-70, 1540-70, 1445-70, 1586-70, 1587-70, 1591-70, 1697-70, 1797-70, 1878-70, 1963-70, 1964-70, 1966-70, 2006-70, 2144-70; H. R. No. 51; and S. B. No. 1037, S. D. 1.

Your Committee recommends that the above measures be filed.

Signed by all members of the Committee.

SCRep. 833-70 Economic Development on **H. B. Nos. 100, 169, 171, 228, 301, 302, 342, 517, 536, 621, 794, 845, 912, 913, 914, 915, 1138, 1507-70, 1509-70, 1511-70, 1578-70, 1579-70, 1583-70, 1863-70, 1864-70, 1865-70, 1885-70, 1887-70, 1973-70, 2000-70, 2001-70, 2083-70, 2011-70; H. R. Nos. 141, 174, 105, 176, 193; H. C. R. Nos. 61 and 78; and S. B. Nos. 238, 1968-70.**

Your Committee recommends the above measures be filed.

Signed by all members of the Committee.

SCRep. 834-70 Select Committee of Oahu Representatives on **H. R. No. 369**

The intent of this resolution is to request the governor to give a high priority to the expenditure of authorized appropriations and to implement, as soon as possible, the planning and construction of a new stadium on Oahu.

Your Committee has heard previous testimony during hearings on **H. B. No. 502**, which was reported in **Stand. Com. Rep. No. 63-70**, relating to the planning and construction of a stadium at Halawa, Oahu.

Very little can be gained by repeating the contents of that **Stand. Com. Rep.** other than by incorporating, and which your Committee does hereby adopt **in toto**, the contents of **Stand. Com. Rep. No. 63-70** and made a part hereof.

Your Committee, however, commends the sense of urgency associated with the proposed construction of this stadium at Halawa, Oahu. The owners of the present Honolulu stadium have served notice to this community that that facility will no longer be available for use for spectator sports and activities after the end of the 1972 athletic season. Of significance, too, is the suggestion that the present stadium facility may not altogether be safe for continued use by spectators, apart from its present inadequacy for such activities.

Therefore, in view of the appropriations authorized for the planning and construction of this proposed stadium at the Halawa

site, your Committee fully subscribes to the intent of this resolution.

Your Committee is not unmindful that the total cost of this proposed stadium will far exceed present authorized appropriations. However, your Committee is confident that subsequent sessions of the legislature will make judicious use of its appropriation powers in connection therewith.

Your Committee believes that the mechanics of implementing the intent of this resolution should be properly left to the discretion of the governor, subject to his conformity with existing laws. However, because of the interest and announced magnanimity of the Mayor of the City and County of Honolulu in his offer to convey to the State of Hawaii the title to some 102 acres in the Halawa presently designated for use as a stadium site, it is the intent of your Committee that any and all plans for the construction of this proposed stadium facility be located and situated at this Halawa site.

Accordingly, your Committee has amended the resolution to reflect therein this Halawa site, in the following particulars:

Amend the title to read as follows:

“REQUESTING THE GOVERNOR TO GIVE HIGH PRIORITY TO THE PLANNING AND CONSTRUCTION OF A NEW STADIUM [ON] AT HALAWA, OAHU.”

Amend the fourth recital clause to read as follows:

“WHEREAS, the Hawaii State Legislature, recognizing the important of recreation in the lives of Hawaii’s people and desiring safe and adequate facilities for such activities, has appropriated \$1,000,000 through Act 155, Session Laws of Hawaii 1969, and \$3,000,000 through the capital improvements budget, Regular Session 1970, for the planning and construction of a new stadium [on] at Halawa, Oahu; now, therefore,”

Amend the first resolved clause to read

as follows:

“BE IT RESOLVED by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that the Governor be, and is hereby, requested to give high priority to the expenditure of these authorized appropriations and to implement, as soon as possible, the planning and construction of a new stadium [on] at Halawa, Oahu; and”

Your Committee is in accord with the intent and purpose of **H. R. No. 369** as amended herein, and recommends that it be adopted in the form attached hereto as **H. R. No. 369, H. D. 1.**

Signed by all members of the Committee except Representative Morioka.

SCRep. 835-70 Select Committee of Oahu Representatives on **H. C. R. No. 123**

The intent of this concurrent resolution is to request the governor to give a high priority to the expenditure of authorized appropriations and to implement, as soon as possible, the planning and construction of a new stadium on Oahu.

Your Committee has heard previous testimony during hearings on **H. B. No. 502**, which was reported in **Stand. Com. Rep. No. 63-70**, relating to the planning and construction of a stadium at Halawa, Oahu.

Very little can be gained by repeating the contents of that **Stand. Com. Rep.** other than by incorporating, and which your Committee does hereby adopt **in toto**, the contents of **Stand. Com. Rep. No. 63-70** and made a part hereof.

Your Committee, however, commends the sense of urgency associated with the proposed construction of this stadium at Halawa, Oahu. The owners of the present Honolulu stadium have served notice to this community that that facility will no longer be available for use for spectator sports and activities after the end of the 1972 athletic season. Of significance, too, is the suggestion that the present stadium facility may not altogether be safe for continued use by spectators, apart from its

present inadequacy for such activities.

Therefore, in view of the appropriations authorized for the planning and construction of this proposed stadium at the Halawa site, your Committee fully subscribes to the intent of this concurrent resolution.

Your Committee is not unmindful that the total cost of this proposed stadium will far exceed present authorized appropriations. However, your Committee is confident that subsequent sessions of the legislature will make judicious use of its appropriation powers in connection therewith.

Your Committee believes that the mechanics of implementing the intent of this concurrent resolution should be properly left to the discretion of the governor, subject to his conformity with existing laws. However, because of the interest and announced magnanimity of the Mayor of the City and County of Honolulu in his offer to convey to the State of Hawaii the title to some 102 acres in the Halawa presently designated for use as a stadium site, it is the intent of your Committee that any and all plans for the construction of this proposed stadium facility be located and situated at this Halawa site.

Accordingly, your Committee has amended the concurrent resolution to reflect therein this Halawa site, in the following particulars:

Amend the title to read as follows:

“REQUESTING THE GOVERNOR TO GIVE HIGH PRIORITY TO THE PLANNING AND CONSTRUCTION OF A NEW STADIUM [ON] AT HALAWA, OAHU.”

Amend the fourth recital clause to read as follows:

“WHEREAS, the Hawaii State Legislature, recognizing the important of recreation in the lives of Hawaii’s people and desiring safe and adequate facilities for such activities, has appropriated \$1,000,000 through Act 155, Session Laws of Hawaii 1969, and \$3,000,000 through the capital improvements budget, Regular Ses-

sion 1970, for the planning and construction of a new stadium [on] at Halawa, OAHU; now, therefore,"

Amend the first resolved clause to read as follows:

"BE IT RESOLVED by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that the Governor be, and is hereby, requested to give high priority to the expenditure of these authorized appropriations and to implement, as soon as possible, the planning and construction of a new stadium [on] at Halawa, Oahu; and"

Your Committee is in accord with the intent and purpose of H. C. R. No. 123 as amended herein, and recommends that it be adopted in the form attached hereto as H. C. R. No. 123, H. D. 1.

Signed by all members of the Committee except Representative Morioka.

SCRep. 836-70 Housing and Consumer Protection on H. R. No. 298

The purpose of H. R. No. 298 is to express the concern of the House of Representatives for the plight of the residents of Halawa who are to be displaced by the construction of the new stadium.

It requests that the City and County of Honolulu to provide adequate relocation plans, relocation costs, and decent replacement housing.

Your Committee is in accord with the intent and purpose of H. R. No. 298 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 837-70 Finance on H. R. No. 368

The purpose of this Resolution is to request the Department of Accounting and General Services to study the feasibility of operating a coffee shop or cafeteria in the State Capitol. Such a facility would be a great convenience to legislators, visitors and State employees working at the

Capitol.

Your Committee is in accord with the intent and purpose of H. R. No. 368 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 838-70 Housing and Consumer Protection on H. C. R. No. 124

The purpose of this concurrent resolution is to request the Department of Housing and Urban Development to encourage and provide more housing for families of low and moderate income in Hawaii.

Your Committee finds that there exists a critical shortage of housing in the State of Hawaii for families of low and moderate income. The Hawaii Housing Authority of the State of Hawaii has helped to alleviate this critical housing problem by providing housing for low income families. There are a substantial number of families of moderate income in this State who fall within the so called "gap group", a person who earns too much to qualify for low income housing but too little to qualify for a decent home. The various programs created by the Department of Housing and Urban Development for families of low and moderate income have been of tremendous value in this State.

Your Committee on Housing and Consumer Protection is in accord with the intent and purpose of H. C. R. No. 124 and recommends its adoption.

Signed by all members of the Committee except Representative Morioka.

SCRep. 839-70 Agriculture on H. R. No. 372

The purpose of this Resolution is to request the Speaker of the House of Representatives to appoint an interim House Committee to conduct a study to determine the future direction of the State animal quarantine program.

The growing requirement for increased services and expanded facilities to main-

tain this program has been recognized by the State. This State currently is undertaking a capital improvements program within a three year period which is projected to cost the State in excess of \$4.4 million. In addition, the annual operating budget for the program has increased comparably with the number of pets processed, and is expected to cost the State in excess of \$.5 million in the next fiscal year.

Your Committee therefore recognizes the sizeable investment which the State is committed to in this quarantine program. It further realizes that the growing demand for kennel space will result in additional financial burden to the State. For this reason, your Committee feels that a study, conducted by the House of Representatives, to assess the current status of the animal quarantine program with the purpose of determining its direction in the future is necessary.

Your Committee on Agriculture is in accord with the intent and purpose of **H. R. No. 372** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 840-70 Printing and Revisions

Informing the House that **House Resolution Nos. 374 to 382, House Concurrent Resolution Nos. 125 and 126, Standing Committee Report Nos. 833-70 to 839-70 and Conference Committee Report Nos. 17 to 24** have been printed and distributed.

Signed by all members of the Committee.

SCRep. 841-70 Education on **H. B. Nos. 24, 67, 69, 75, 209, 211, 226, 227, 230, 295, 307, 379, 415, 416, 417, 418, 419, 420, 422, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 581, 624, 667, 823, 939, 953, 963, 973, 976, 1147, 1158, 1159, 1160, 1166, 1247, 1371-70, 1372-70, 1373-70, 1417-70, 1420-70, 1422-70, 1425-70, 1426-70, 1427-70, 1532-70, 1535-70, 1626-70, 1691-70, 1709-70, 1779-70, 1815-70, 1888-70, 1899-70, 1933-70, 1935-70, 1936-70, 1956-70, 1962-70, 2004-70, 2052-70, 2072-70, 2084-70, 2113-70, 2120-70, 2122-70, 2123-70,**

2124-70, 2141-70; H. R. Nos. 19, 25, 30, 39, 44, 46, 52, 59, 60, 94, 113, 122, 127, 143, 190, 191, 192, 210, 233, 242, 255, 275, 277; H. C. R. Nos. 5, 6, 7, 89, 93, 95, 100; and S. B. Nos. 373, 892, 1179-70, 1183-70, 1188-70, 1195-70.

Your Committee on Education recommends that the above measures be filed.

Signed by all members of the Committee except Representative Oda.

SCRep. 842-70 Select Committee of Kauai Representatives on **H. B. Nos. 173, 450, 651, 1099, 1142, 1651-70, 1882-70, 2005-70, 2075-70, 2076-70, 2101-70; H. R. No. 68; and S. B. No. 781.**

Your Select Committee of Kauai Representatives to which were referred the above measures recommends that said measures be filed.

Signed by all members of the Committee.

SCRep. 843-70 Education on **H. R. No. 359**

The purpose of this Resolution is to request the Department of Education to provide an education specialist for consumer education, who shall be responsible for the development of a consumer education program for the public schools.

Your Committee finds there is a real need for a well-planned, comprehensive consumer education curriculum package in our public schools. Consumer education must be emphasized at elementary, secondary and adult school levels if we are to have an informed and knowledgeable citizenry on consumer protection matters.

Your Committee is in accord with the intent and purpose of **H. R. No. 359** and recommends its adoption.

Signed by all members of the Committee except Representative Oda.

SCRep. 844-70 Government Efficiency and Public Employment on **H. R. No. 373**

The purpose of this resolution is to re-

quest the Department of Labor and Industrial Relations to study the feasibility of extending full workmen's compensation benefits to all voluntary and unpaid personnel who are injured in the performance of services for the government under the authorized direction of public officers or employees.

The Workmen's Compensation Law presently provides full benefits, including dependents' benefits, for members of public boards and commissions who are injured in the performance of service as members of said boards or commissions. Others who also serve the state in voluntary or unpaid capacities, however, are not afforded such protection. They are only provided hospital and medical benefits if they are injured while serving the state or any county.

Your Committee agrees that it seems equitable to protect those who contribute their services to the state and counties without compensation in the event that they are injured in the performance of public service.

Your Committee concurs with the purpose of **H. R. No. 373** and recommends its adoption.

Signed by all members of the Committee except Representatives R. Wong, Devereux and Oda.

SCRep. 845-70 Finance on S. B. No. 327

The purpose of this bill is to provide for the payment of physician's fees for services rendered in the defense of indigent defendants in criminal cases. The bill also provides for the appointment of a qualified physician of the defendant's own choice to examine and testify on his behalf.

Under existing laws the defendant or the prosecutor may request the court to appoint an examining board of physicians to examine the defendant and to report on his mental condition. However, there is no requirement that an indigent criminal defendant be afforded the services of a physician of his own choice.

Your Committee finds that the law requires the appointment of attorneys for indigent defendants. Thus, in cases where insanity and criminal responsibility is a significant element of the defense, the availability of a qualified physician is as important as the services of a court appointed attorney.

Your Committee is in accord with the intent and purpose of **S. B. No. 327** and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 846-70 Finance on S. C. R. No. 79

The purpose of this Concurrent Resolution is to approve the report of the Directors of the State and County Departments of Personnel Services, which set forth adjustments to pricing appeals made by the Public Employees Compensation Appeals Board.

Your Committee is in accord with the intent and purpose of **S. C. R. No. 79** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 847-70 Printing and Revisions

Informing the House that **House Resolution Nos. 383 and 384** and **Standing Committee Report Nos. 841-70 to 846-70** have been printed and distributed.

Signed by all members of the Committee.

SCRep. 848-70 (Majority) Finance on S. B. No. 1417-70

The purpose of this bill is to amend the Hawaii Workmen's Compensation by increasing the maximum compensation benefits payable to an injured worker for disfigurement from the present \$10,000 to \$15,000.

A serious disfigurement would probably have an adverse effect on an injured work-

er's future wage-earning ability. The present limit of \$10,000 for disfigurement would not adequately indemnify a person who is so severely scarred and disfigured that his ability to secure a job is seriously affected. An increase in the present maximum therefore appears in order.

The Department of Labor and Industrial Relations has informed your Committee that the probable increase in costs occasioned by the increase would be minimal. This conclusion was based on the small number of cases where the disfigurement has been considered serious enough to warrant a maximum award. In 1968, for example, no one was awarded the maximum sum and in 1969 only two persons were awarded the maximum compensation.

Your Committee is in accord with the intent and purpose of **S. B. No. 1417-70, H. D. 1**, and recommends its passage on third reading.

Signed by all members of the Committee. Representatives Devereux and Lum did not concur.

SCRep. 849-70 (Majority) Higher Education on **H. R. No. 376**

The purpose of this resolution is to give legislative acknowledgement to the peaceful, well organized, and exemplary mass demonstration at the State Capitol, which was conducted by the students and faculty of Honolulu Community College and Kapiolani Community College to bring legislative attention to the needs of their respective institutions.

The mere thought of formal Legislative congratulations for a student demonstration would have been alien to previous Legislatures, and perhaps even to this very body last Session. Times, however, have changed, and viewed against the backdrop of student riots and violence on the mainland, and the disaster this week at Kent State University, the actions of our own student demonstrators from Honolulu and Kapiolani Community College must certainly be seen in a new light.

That we are immersed in an era of mass demonstration is no longer a matter for conjecture. A peaceful demonstration of opinion, which is well organized, and well executed, and which displays sensitivity rather than hostility for the adversary Establishment, can be a useful and constructive tool to express the will of a group. Such was the case with the Community College demonstration on May 1 at the State Capitol. As it is the conviction of your Committee that peace should be the rule and not the exception for all demonstrations, your Committee recommends the adoption of this resolution, which acknowledges and encourages that peace and aloha should prevail.

Your Committee has amended this resolution to clarify its intent and purpose in endorsing peaceful student-Establishment relations.

Your Committee is in accord with the intent and purpose of this resolution as amended herein, and recommends that it be referred to your Committee on Public Health, Youth and General Welfare in the form attached hereto as **H. R. No. 376, H. D. 1**.

Signed by all members of the Committee except Representative Takitani. Representatives Kawakami, Roehrig and Serizawa did not concur.

SCRep. 850-70 (Majority) Federal State and County Relations on **H. R. No. 377**

The intent of this resolution is to disagree with and disapprove of the commitment of the United States combat troops to Cambodia and to request the President of the United States to reconsider his action.

Your Committee would hasten to point out that the President's constitutional prerogatives in areas involving the use of the military forces of our nation and in the conduct of our foreign affairs are not in issue.

Convinced beyond any reasonable doubt is your Committee that our President had sought, consulted and accommodated every available expertise and had

weighed, assessed and evaluated every available bit of information, relevant or otherwise, in arriving at his decision on this matter.

Equally convinced is your Committee that our President's momentous decision was founded upon the highest and best interests of our nation, and that his decision was wracked by anxious and agonizing moments for him personally, for that decision could only be recognized and appreciated as the father to a host of multifarious imponderables of national and international consequence for our nation.

In a word, your Committee, thus convinced of the foregoing assumptions, could only read into the language of the resolution what is patently obvious, in that this august body does not have the present capacity to substitute its judgment for the judgment of our President on this matter.

But in subscribing to the intent of this resolution, your Committee sees as implicit within the context and sense of its language a fundamental issue the thrust of which goes deep into the heart of our democratic society. And that issue concerns the fundamental and constitutional right of the citizenry of our country to petition the President of the United States to question the validity, morality and propriety of any presidential action.

The presidential action here which is being questioned is the validity, morality and propriety of our commitment of our combat forces in Cambodia.

In defining this particular issue, your Committee wishes to stress the all-important concept that our government derives its powers from the consent of the governed. Reduced to its singular sense, our some 200 million Americans have vicariously given their collective right of self-government into the hands of one man, their President. But nowhere can it be implied, however, that the American people, in so giving, had surrendered this right for their own self-government, to the exclusion that they may no longer be able to criticize, impugn, or hang the president in effigy as they may choose to do. Indeed,

the American people did not abdicate their status nor had they completely surrendered their rights as free citizens when they voted for their president. The people are still the supreme authority in our form of government.

But wherein can this fundamental issue be justifiably raised?

Again turning to the language of this resolution, it speaks of truisms. It cannot be denied that it is no secret to the world that the United States has presumed the posture of being a world policeman, ready to hold to account any culprit nation for any misdeed as defined by our nation, or that there is that inevitable consequence of death and suffering in each instance in the several so-called "police actions" to which we have committed ourselves as a nation, or of the inevitable voluminous drain of our resources to meet these several commitments.

Faced, then, with the startling and frustrating impact of these truisms, our nation has arrived at a point today where this impact has caused this nation to shudder from port to starboard and from bow to aft. Your Committee invites all to bear witness to the innumerable violent and non-violent evidence of dissent throughout our nation. These bespeak discontent over our military involvement on foreign soil, compounded by the inevitable consequences which flow therefrom.

Therefore, the more does it become increasingly important to preserve and to give reassurance to our citizenry of their right to question the validity, morality and propriety of this presidential action.

Indeed, slavish support to any presidential action can be characterized as being erosive of the rights of a free citizenry. The right to petition, the right to disagree, the right to question — these are not only fundamental to our society, but so very indispensably linked with and to our pursuit and enjoyment of life as we know it in our country.

And indeed, it becomes destructive of our democratic ends when criticism, un-

founded though it may be, becomes synonymous with disloyalty.

Your Committee is not persuaded that the adoption of this resolution would further incite public fervor any more than it has. Such suggestion is more fiction than fact, for the intensity of fervor is commensurate with the degree one is morally committed on this issue over our military involvement on foreign soil. To conclude otherwise would be to give very little credibility on the capacity of the silent majority of Americans to temper the revolutionary-oriented few.

In consonance with the fundamental issue cited, your Committee has amended the resolution to reflect therein what your Committee believes to be the sense of the resolution, in the following particulars:

Amend the second recital clause so as to read:

“WHEREAS, the spread of hostilities throughout Indo-China and the commitment of several thousand United States combat troops to Cambodia by President Nixon will [not only] **likely** result in continuing American deaths and suffering [but may] **and** also be a likely prelude to [the] **another major** involvement of the United States [in a major war] **on another foreign soil; and**”

Amend the third recital clause so as to read:

“WHEREAS, the commitment of **our** combat troops to Cambodia, which did not **initially** request such assistance, [is a misuse of power by] **only serves to strengthen an undesirable image of the United States** [, which, through its President is erroneously and unwisely] as assuming [the] **an unwise posture of world police; and**”

Amend the fourth recital clause so as to read:

“WHEREAS, the economic resources and manpower of the United States, already [severely] **heavily** taxed by the Vietnam war, are not inexhaustible, and should not, **therefore**, be [thoughtlessly] **needlessly**

drained and expended; now, therefore,”

Amend the first resolved clause so as to read:

“**BE IT RESOLVED** by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that this body disagree with and disapprove of the **act of** commitment of the United States combat troops to Cambodia and respectfully requests the President to reconsider his action; and”

Your Committee is in accord with the intent and purpose of **H. R. No. 377**, as amended herein, and recommends that it be adopted in the form attached hereto as **H. R. No. 377, H. D. 1.**

Signed by all members of the Committee except Representative Kimura. Representatives Fong, Lum and Miho did not concur.

SCRep 851-70 Judiciary on S. C. R. No. 54

The purpose of this concurrent resolution is to request the Republic of China and the United States government to work for clemency and humane treatment of Chen-Yu Hsi who is currently serving a seven-year term in Taiwan on a conviction for sedition.

Chen-Yu Hsi was a brilliant student and scholar at the University of Hawaii and the East-West Center from 1964 to 1967 and was highly respected for his academic pursuits and expressions of opinions. It is felt that his associations and expressions as a student in Hawaii's institutions of higher learning may have contributed to his present plight. With due respect to the established traditions, procedures, and systems of the people and Government of the Republic of China, there is deep concern among the people of Hawaii that the traditional academic and intellectual freedom prevailing in our institutions of higher learning may have in part contributed to his conviction and imprisonment.

Your Committee finds that the faculty and the student body of the University of

Hawaii and the East-West Center and the people of this State are sympathetically concerned over Chen-Yu Hsi's health and well-being since his confinement for 27 months has greatly impaired his health and it is believed that he may not survive his seven-year sentence. Because his present plight may be rooted to the years he spent in Hawaii and because the image of the East-West Center as a meeting ground for the free exchange of ideas may be irreparably damaged unless the people of the State of Hawaii express concern for his welfare, your Committee feels that the people of Hawaii must express their sympathetic concern for the welfare of Chen-Yu Hsi and, in his behalf, seek clemency and humane treatment.

The original version hereof was considerably "softened" in the Senate by its deletion of phrases such as "intellectual freedom must prevail", "free from persecution for their ideas", and "voice of protest". Instead, there is an expression that the intellectual freedom which prevails contributed to the situation, and the voice is one of concern, not protest. There was also a Senate floor amendment transmitting the President of the Republic of China's copy hereof through the Secretary of State.

Your Committee on Judiciary is in accord with the intent and purpose of **S. C. R. No. 54, S. D. 2**, and recommends its adoption.

Signed by all members of the Committee except Representatives Bicoy and Duponte.

SCRep. 852-70 Printing and Revisions

Informing the House that **House Resolution Nos. 385 to 403** and **Standing Committee Report Nos. 848-70 to 851-70** have been printed and distributed.

Signed by all members of the Committee.

SCRep. 853-70 (Majority) Lands on **S. C. R. No. 56**

The purpose of this concurrent resolu-

tion is to withdraw the authorization for projects under Act 68, Session Laws of Hawaii 1968.

Act 68 provided for the development and disposition of public lands for fee simple residential use and leasehold projects in other uses in the best interests of the State. Projects authorized by **Senate Concurrent Resolutions 63, 64, 75, and 76** of the Regular Session of 1969 are not in the process of development. Therefore, the authorization of projects under the Senate Concurrent Resolutions of Regular Session, 1969, are to be withdrawn.

Your Committee is in accord with the intent and purpose of **S. C. R. No. 56, S. D. 1**, as amended herein, and recommends its adoption in the form attached hereto as **S. C. R. No. 56, S. D. 1, H. D. 1**.

Signed by all members of the Committee except Representatives Shigemura, Taira and Takamine. Representatives Aduja and Saiki did not concur.

SCRep. 854-70 Finance on **S. B. No. 1810-70**

The purpose of this bill is to provide financial support for four State parks on the island of Oahu, to attempt to attract \$1,000,000 of federal funds for the development of our recreational facilities through the federal "people's park" program. The requirements of the program stipulate that park development be in densely populated areas and within 45 minutes' drive of the urban center. The proposed parks meet these requirements.

There are State-owned lands with excellent recreation potentials which are convenient to developed areas of heavily populated Oahu. The areas are: Nuuanu-Pali, Waimanalo, Makiki-Tantalus and Wahiawa.

Your Committee is of the view that existing State parks do not adequately meet the needs of the 81 per cent of our population living in Oahu.

The bill would provide funds for both planning and construction of these four

parks subject to the availability of federal funds to aid in this purpose.

Your Committee has amended this bill by authorizing the issuance of general obligation bonds as well as cash to finance these projects.

Your Committee is in accord with the intent and purpose of **S. B. No. 1810-70**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1810-70, H. D. 1.**

Signed by all members of the Committee.

SCRep. 855-70 Finance on S. B. No. 1136-70

This bill provides for an appropriation of \$150,000 to develop a Statewide comprehensive open space plan.

In developing such a plan, the Department of Planning and Economic Development indicated that the primary concerns would be in inventory, analyzing and planning for the following:

- (1) Formulation of a comprehensive open space policy for the State.
- (2) Improved land zoning regulations.
- (3) Desirable and feasible methods of acquiring land for the preservation of open space.
- (4) The interaction of open space and economic activities, including tourism, agriculture, etc.
- (5) The relationship of our cultural and societal activities to our environment, including specifically open space.
- (6) Develop a program with priorities for implementation of the plan.

It is expected that a project of this magnitude would require a time span of approximately a year and a half.

Your Committee believes that such a

project is necessary and may prove to be the basis upon which the State may be able to achieve the best use of the land for the improvement of our environment.

Your Committee is in accord with the intent and purpose of **S. B. No. 1136-70** and recommends its passage on third reading.

Signed by all members of the Committee.

SCRep. 856-70 Finance on S. B. No. 1865-70

The purpose of this bill is to appropriate funds for the comprehensive development of community college facilities throughout the State of Hawaii.

The decision of the Legislature in 1964 to establish a community college system as part of the University of Hawaii has been proven over the past several years to have been a wise decision. It has also become evident that if the community colleges are to continue to meet the ever increasing demands being placed on them, adequate facilities are a necessity.

Your Committee is concerned that decision regarding the future of Kapiolani Community College has not been made, and requests the University to arrive at a decision in time to include capital requirements, if any, in the capital improvements budget request to the next Legislature.

Your Committee has amended the bill to include provisions for the issuance of general obligation bonds if so required. Three projects for Honolulu Community College were added and project descriptions have been amended.

Provision has been made to lapse those projects for which the Governor has not allotted funds prior to June 30, 1974. The provision granting the Governor discretion in expanding funds and authorizing personnel for the community college service office have been deleted.

Your Committee is in accord with the

intent and purpose of **S. B. No. 1865-70, S. D. 1**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1865-70, S. D. 1, H. D. 1**.

Signed by all members of the Committee.

SCRep. 857-70 Lands on S. B. No. 1910-70

The purpose of this bill is to enable the development of State lands for houselots throughout the State as a direct means by which decisive State action shall be taken to alleviate the housing crisis.

Your Committee has amended this bill to provide for the use of either cash or general obligation bonds for the financing of these projects. Your Committee has added a houselot development in Puna and Wailua and deleted the Maalaea development. The provisions permitting the Governor to hire additional personnel or contract for services has been deleted.

Your Committee urges the Governor to use his good office to the maximum in order to expedite the implementation of this Act which will help bring relief to those suffering from the present shortage of housing.

Your Committee is in accord with the intent and purpose of **S. B. No. 1910-70, S. D. 3**, as amended herein, and recommends its passage on third reading in the form attached hereto as **S. B. No. 1910-70, S. D. 3, H. D. 1**.

Signed by all members of the Committee except Representatives Pacarro, Shigemura, Taira, Aduja and Saiki.

SCRep. 858-70 Printing and Revisions

Informing the House that **Standing Committee Report Nos. 853-70 to 857-70** have been printed and distributed.

Signed by all members of the Committee.

SCRep. 859-70 Printing and Revisions

Informing the House that **House Resolu-**

tion Nos. 408 and 409, Standing Committee Report No. 860-70 and Conference Committee Report Nos. 25 to 29 have been printed and distributed.

Signed by all members of the Committee.

SCRep. 860-70 Finance on H. R. No. 370

The purpose of this Resolution is to request the Office of the Legislative Auditor to compile and analyze expenditures by State agencies for conferences for the last six fiscal years, prior to and including fiscal year 1969-70 and to report its findings to the Legislature at the next session of the Legislature.

Your Committee is in accord with the intent and purpose of **H. R. No. 370** and recommends its adoption.

Signed by all members of the Committee.

SCRep. 861-70 Federal, State and County Relations on H. R. No. 371

The purpose of this resolution is to request the State Foundation on Culture and the Arts to consider the commissions of a series of paintings of Hawaiian royalty in order that the people of Hawaii, especially the youth may better understand their heritage and culture.

Your Committee believes that this resolution is consistent with and promotive of the State's policy of fostering public awareness, appreciation, and preservation of Hawaii's cultural past.

Your Committee has amended the subject resolution so as to indicate discretionary power of the commission as the final declarant in this matter.

Your Committee on Federal, State and County Relations is in accord with the intent and purpose of **H. R. 371**, as amended herein, and recommends its adoption in the form attached hereto as **H. R. 371, H. D. 1**.

Signed by all members of the Commit-

tee.

SCRep. 862-70 Printing and Revisions

Informing the House that **House Resolution Nos. 410 to 412, Standing Committee**

Report No. 861-70 and Conference Committee Report No. 30 have been printed and distributed.

Signed by all members of the Committee except Representative Oshiro.