

SCRep. 883 Culture and the Arts on H.R. No. 17 (Majority)

The purpose of this resolution is to have the appropriate House standing committees examine the feasibility of developing a program for a historic hall, including the feasibility of consolidating the program with the State Archives program. The committees' examination should include but not be limited to the possibility of the Legislative Reference Bureau conducting an inventory of historical materials throughout the State, their locations, and public accessibility.

Your Committee believes that the concept of a Historic Hall for Hawaii is a commendable one as there is no place available at present for the State to display historic documents and artifacts which are now or may become State property. However, in order for the Historic Hall to best provide the services and programs to be an effective educational tool for the public, your Committee believes there should be a feasibility study as proposed in this resolution.

Your Committee, upon hearing testimony by the Department of Accounting and General Services, has decided to amend the resolution to have the committees submit a report of its findings and recommendations prior to the adjournment of the 1980 Regular Session instead of 1979.

Your Committee feels that the Regular Session of 1979 is too early to have a report on findings and recommendations due. The amendment to 1980 would provide time during the interim for a more comprehensive report.

Your Committee has further amended the resolution to have certified copies of this resolution be transmitted also to the State Comptroller of the Department of Accounting and General Services. This amendment was made since the State Archives, a division of the Department of Accounting and General Services, will also be considered in the resolution.

In order to clarify the intent of this resolution, your Committee has defined "historical materials" to include all historical public records; private manuscript collections in public and private institutions; collections in private ownership; printed materials in libraries, and; artifacts in the possession of the State, museums and private collections.

Your Committee also wants the inventory to be a detailed one and not just a survey of institutions.

Your Committee on Culture and the Arts concurs with the intent and purpose of H.R. No. 17, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 17, H.D. 1.

Signed by all members of the Committee.
(Representative Anderson did not concur.)

SCRep. 884 Culture and the Arts on H.C.R. No. 6 (Majority)

The purpose of this concurrent resolution is to request the Director of the Office of the Legislative Reference Bureau to develop a program for a historic hall, including the feasibility of combining or consolidating organizationally with the State Archives program. The Office of the Legislative Reference Bureau shall also conduct an inventory of historical materials throughout the State, their locations, and public accessibility.

Your Committee believes that the concept of a Historic Hall for Hawaii is a commendable one as there is no place available at present for the State to display historic documents and artifacts which are now or may become State property. However, in order for the Historic Hall to best provide the services and programs to be an effective educational tool for the public, your Committee believes there should be a feasibility study as proposed in this resolution.

Your Committee, upon hearing testimony by the Department of Accounting and General Services, has decided to amend the resolution to have the Office of the Legislative Reference Bureau submit a report of its findings and recommendations prior to the adjournment of the 1980 Regular Session instead of 1979.

Your Committee feels that the Regular Session of 1979 is too early to have a report on findings and recommendations due. The amendment to 1980 would provide time during the interim for a more comprehensive report.

Your Committee has further amended the resolution to have certified copies of this resolution be transmitted also to the State Comptroller of the Department of Accounting and General Services. This amendment was made since the State Archives, a division of the Department of Accounting and General Services, will also be considered in the resolution.

In order to clarify the intent of this resolution, your Committee has defined "historical materials" to include all historical public records; private manuscript collections in public and private institutions; collections in private ownership; printed materials in libraries, and; artifacts in the possession of the State, museums and private collections.

Your Committee also wants the inventory to be a detailed one and not just a survey of institutions.

Your Committee on Culture and the Arts concurs with the intent and purpose of H.C.R. No. 6, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 6, H.D. 1.

Signed by all members of the Committee.
(Representative Anderson did not concur.)

SCRep. 885

Legislative Management on H.R. No. 379

The purpose of this resolution is to request the State Energy Office, Department of Planning and Economic Development, to report on the State's fuel allocation contingency plans.

Fuel oil is the lifeblood of the national and Hawaiian economy. Recent cutbacks in oil supplies have once again raised the possibility that the demand for fuel oil will exceed the available supply. Because spot shortages could have a disruptive effect on our economy and disrupt normal transportation flows, it is essential that Hawaii's lawmakers be fully informed of the Department of Planning and Economic Development's contingency allocation plans in the event that fuel rationing is necessary.

Your Committee has amended the resolution by eliminating the requirement that the Department of Planning and Economic Development report twenty legislative days prior to the adjournment of the session. Instead, the department is directed to report prior to adjournment, with no set number of days specified. This change was made to give the department adequate time to make a complete report. The provision calling for your Committee on Energy to study the matter during the interim was also deleted, as the matter of a possible interim study will be considered at a later date.

Your Committee on Legislative Management is in accord with the intent and purpose of H.R. No. 379, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 379, H.D. 2.

Signed by all members of the Committee except Representatives Holt and Evans.

SCRep. 886

Finance on H.R. No. 27

The purpose of this resolution is to provide for a review of the 1978 state constitutional amendment relating to the Hawaiian education program and to determine the need for legislation and budgetary requirements to implement such a program.

Article X, Section 4 of the state constitution requires the State to establish and implement the Hawaiian education program and that such implementation should consider the need for adoption of a curriculum, budgetary requirements and other concerns relating to the development of the Hawaiian education program.

Your Committee finds that the department of education has already initiated a review of the existing Hawaiian studies curriculum to identify those areas in need of developmental or improvement efforts in light of the constitutional amendment. It is the belief of your Committee, however, that this resolution is still necessary to emphasize the importance placed on such a review, and also to ensure that the department of education reports its findings to the legislature prior to the convening of the 1980 regular legislative session.

Your Committee concurs with the intent and purpose of H.R. No. 27, H.D. 1 and recommends

its adoption.

Signed by all members of the Committee.

SCRep. 887 Finance on H.C.R. No. 79

The purpose of this concurrent resolution is to identify ways by which the renter may benefit by the accrual of interest in rental deposits.

Your Committee is aware that a major portion of Hawaii's population are renters and that the typical amount requested for security deposit is a month's rent. While your Committee would hesitate to impose further bookkeeping responsibilities upon the landlord, it is in accord with the intent of this concurrent resolution to allow the renter some return on his money.

Your Committee has amended this resolution to request that this study be conducted by the department of regulatory agencies rather than the department of budget and finance. The department of regulatory agencies has the responsibility of protecting the interest of consumers, depositors, and investors throughout the state. It also sets standards and supervises the conduct of banks and financial institutions. Your Committee therefore believes that it would be the more appropriate agency to conduct this study.

Your Committee concurs with the intent and purpose of H.C.R. No. 79, as amended herein, and recommends its adoption as H.C.R. No. 79, H.D. 1.

Signed by all members of the Committee.

SCRep. 888 Higher Education on H.R. No. 35

The purpose of this resolution is to request the House Higher Education Committee to review the University of Hawaii's progress in implementing the extended degree program and to report their findings and recommendations to the House of Representatives prior to the adjournment of the 1979 Regular Session.

For those citizens unable to pursue higher educational opportunities through regular day on-campus courses, the University of Hawaii has pursued educational activities such as "university without walls," "comprehensive training program," or "extended degrees." These programs provide courses for credit toward a baccalaureate degree at convenient community locations during the evening hours or on weekends.

Throughout the past years, the Legislature has repeatedly sought a more active extended degree program. The University of Hawaii, however, has cited the lack of funds as a primary constraint on program implementation and has proceeded at a slow pace. They have further stated that the high cost of media development and delivery, and the need to integrate such instruction with other programs will limit delivery of instructional services.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 35 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 889 Education on H.R. No. 416

The purpose of this resolution is to request the Department of Education to remind Windward Oahu school officials that Windward Oahu students should be given first priority for the use of Windward auditorium facilities.

Your Committee finds that it is important that the use of school auditoriums by students be assured since auditoriums were built because of students' needs. After students' needs are met, request for use by other groups can be considered.

The Windward Oahu District Superintendent, Department of Education, testified in general support of the resolution. He indicated that according to their files, school administrators do give preference to school-sponsored student groups for the use of school facilities, especially if these student groups give the administrators reasonable notice in advance about the event to be held. He also suggested that the resolution

be modified to pertain to "public school students" rather than "students."

Accordingly, your Committee has amended the resolution by substituting the term "public school students" for the word "students" in order to specify the type of students who should be given preference in the use of school auditoriums. Furthermore, your Committee believes that priority for the use of school auditorium facilities should be given to all students of respective school districts. Therefore, your Committee has amended the resolution by generalizing the request to include all school districts rather than limiting the request to the Windward school district and by transmitting certified copies of the resolution, as amended, to each district superintendent.

Your Committee on Education concurs with the intent and purpose of H.R. No. 416, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 416, H.D. 1.

Signed by all members of the Committee.

SCRep. 890

Education on H.R. No. 436

The purpose of this resolution is to request the United States President and Congress to enact legislation necessary to provide the full funding outlined in Public Law 94-142, the Education of All Handicapped Children Act of 1975, and to grant to the State of Hawaii and to other states the full funding stipulated in the Act for 1982 immediately such that all handicapped children can be provided free and appropriate public education immediately.

Your Committee finds that while the provision of Public Law 94-142 is consistent with the State of Hawaii's goal and commitment to assure equal educational opportunities for all children including handicapped children, the federal government's level of contribution to the cost of assuring these programs and services to handicapped children has been lower than provided for in the Act.

The Department of Education testified in support of the resolution. They reported that they will continue to work toward the provision of providing free and appropriate public education to all handicapped children. However, they also indicated that unless there is full and immediate funding by the federal government, it would be very difficult for the State to fully implement Public Law 94-142 and to stay within the frames stipulated in the Act.

The State Planning and Advisory Council on Developmental Disabilities also testified in support of the resolution, agreeing that without additional funding, handicapped children will not receive adequate educational services.

Your Committee believes that Public Law 94-142 mandates unrealistic timelines, and does not consider the fiscal limitations of states and the Constitutional responsibility for education by individual states. Your Committee has therefore amended the resolution to emphasize this highly prescriptive nature of Public Law 94-142.

Your Committee on Education concurs with the intent and purpose of H.R. No. 436, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 436, H.D. 1.

Signed by all members of the Committee.

SCRep. 891

Education on H.C.R. No. 89

The purpose of this concurrent resolution is to request the United States President and Congress to enact legislation necessary to provide the full funding outlined in Public Law 94-142, the Education of All Handicapped Children Act of 1975, and to grant to the State of Hawaii and to other states the full funding stipulated in the Act for 1982 immediately such that all handicapped children can be provided free and appropriate public education immediately.

Your Committee finds that while the provision of Public Law 94-142 is consistent with the State of Hawaii's goal and commitment to assure equal educational opportunities for all children including handicapped children, the federal government's level of contribution to the cost of assuring these programs and services to handicapped children has been lower than provided for in the Act.

The Department of Education testified in support of the concurrent resolution. They reported that they will continue to work toward the provision of providing free and appropriate public education to all handicapped children. However, they also indicated that unless there is full and immediate funding by the federal government, it would be very difficult for the State to fully implement Public Law 94-142 and to stay within the frames stipulated in the Act.

The State Planning and Advisory Council on Developmental Disabilities also testified in support of the concurrent resolution agreeing that without additional funding, handicapped children will not receive adequate educational services.

Your Committee believes that Public Law 94-142 mandates unrealistic timelines, and does not consider the fiscal limitations of states and the Constitutional responsibility for education by individual states. Your Committee has therefore amended the concurrent resolution to emphasize this highly prescriptive nature of Public Law 94-142.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 89, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 89, H.D. 1.

Signed by all members of the Committee.

SCRep. 892 Corrections and Rehabilitation on H.R. No. 481

The purpose of this resolution is to request the House Corrections Committee to review plans for the establishment of a prison farm at the Kulani Correctional Facility. Your Committee has broadened the scope of this study to include reforestation.

Your Committee believes that the correctional system should provide more meaningful vocational programs for inmates to make periods of incarceration more productive, rehabilitative and less expensive.

Your Committee finds that a prison farm at the Kulani Correctional Facility would achieve this purpose. Inmates can learn a useful vocation in farming, animal husbandry and farm management while receiving compensation for their labor. This program can be upgraded to a point where Kulani would supply food for the entire prison system of this State.

Your Committee also finds that reforestation as a vocational program for inmates has much potential to become a commercially viable prison industry. To this date, 2,000 acres of koa and 60,000 seedlings of redwood obtained from the State Forestry Nursery in Kamuela have been planted and more acreage is being considered for planting. Your Committee believes that a thorough study of reforestation and the commercial feasibility of fir, eucalyptus, ash, redwood and koa is needed to determine the direction this reforestation program should take.

Your Committee has amended the title of this resolution to include reforestation in this study. Such title now reads: "HOUSE RESOLUTION RELATING TO A PRISON FARM AND FORESTRY PROGRAM AT THE KULANI CORRECTIONAL FACILITY, HAWAII". Your Committee has further amended this resolution to reflect the broadened scope of this study.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.R. No. 481 as amended herein and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 481, H.D. 1.

Signed by all members of the Committee.

SCRep. 893 Transportation on H.C.R. No. 57

The purpose of this concurrent resolution is to request a study of lighter-than-air vehicles.

Your Committee notes that according to the Department of Planning and Economic Development (DPED) studies for transportation vehicles and systems for interisland service have been primarily the responsibility of the Department of Transportation (DOT). Your Committee agrees with DPED and has amended the Resolution to provide that DOT is requested to play the lead role in the study in conjunction with DPED,

and that appropriated funds shall be expended by DOT.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 57, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 57, H.D. 1.

Signed by all members of the Committee.

SCRep. 894 Transportation and Finance on H.R. No. 97 (Majority)

The purpose of this resolution is to request the House Committee on Transportation to review the 1978 amendments to the constitution of the State of Hawaii regarding the state debt limit as it affects the state's present or future ability to meet the state funding requirements for federally financed urban mass transit systems, and to report its findings to the legislature prior to the adjournment of the 1979 legislative session.

Your Committees find that the provisions of the State constitution relating to the state debt limit were amended in 1978. While the federal government is authorized to provide eighty percent of the funding for the construction of urban mass transit systems, the state and/or county will be required to fund the balance. Since mass transit systems require large expenditure outlays, your Committees believe that it is essential that a review be made to determine the effects of the present debt limit upon the state's plans for federally funded urban mass transit systems.

Your Committees on Transportation and Finance are in accord with the intent and purpose of H.R. No. 97 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees.
(Representative Sutton did not concur.)

SCRep. 895 Water, Land Use, Development and Hawaiian Affairs on H.R. No.
287

The purpose of this resolution is to urge the Department of Land and Natural Resources to reactivate plans for the acquisition of additional watershed land and related water systems in the Kilauea, Kauai, area.

The agricultural production at Kilauea has included sugarcane and pineapple production and more recently various diversified agricultural crops and an expanding aquaculture industry. As a result, the availability of water to meet current and future demands for agricultural purposes will be a critical factor in deciding the viability of agriculture in Kilauea, Kauai. While the State of Hawaii owns a sizeable watershed area in the Kilauea area, there are other watershed areas and water intake and distribution systems owned or controlled by private entities. The State of Hawaii had previously initiated action to acquire some of these other watershed areas but abandoned the effort following the signing of an agreement with a private entity to coordinate efforts in developing additional water resources as needed.

In addition, the Board of Land and Natural Resources is requested to submit a report of actions initiated in accordance with the concerns stated in the resolution prior to the convening of the Regular Session of 1980.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 287 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 896 Ocean and Marine Resources and Higher Education on H.R. No.
448

The purpose of this Resolution is to request the Department of Planning and Economic Development, the Department of Transportation and the University of Hawaii to include the relocation of the Waikiki Aquarium in the 1995 Master Plan for Honolulu Harbor.

Testimony before your Committee, in support of this Resolution, was presented by the Marine Affairs Coordinator, the Director of the Waikiki Aquarium, the Department

of Transportation, and the Director of the Marine Option Program at the University of Hawaii. The implementation of this Resolution will provide alternatives for the development of business and marine related educational facilities at the Aloha Tower and also provide a means of revitalizing the harbor area.

Your Committees find that the Aloha Tower area already has some components of a marine education center. The addition of a modern educational aquarium could provide the key element for consolidating the developing educational programs of the Aloha Tower Maritime Museum/Education Complex and the Falls of Clyde.

Your Committees further find that the Bluewater Marine Laboratory could utilize the Aloha Tower area as a starting and ending point for its educational marine cruises.

Your Committees also find that discussions are now underway with the Director of the Waikiki Aquarium and the Friends of the Waikiki Aquarium relative to the building of a new aquarium as a component of an educational center. Preliminary planning indicates that there is space in the current re-development plan for inclusion of a significant public facility of this type.

Your Committees amended this Resolution in the fourth "WHEREAS" to eliminate the words "rejected" and to add "no decision was made" because a rejection of the relocation concept for the Waikiki Aquarium did not actually occur.

Your Committee on Ocean and Marine Resources and the Committee on Higher Education concur with the intent and purpose of H.R. No. 448 as amended herein, and recommend that it be referred to the Committees on Water, Land Use Development and Hawaiian Homes, and Transportation, in the form attached hereto as H.R. No. 448, H.D. 1.

Signed by all members of the Committees except Representative Garcia.

SCRep. 897 Ocean and Marine Resources on H.C.R. No. 92

The purpose of this House Concurrent Resolution is to request a study of the feasibility of establishing a marine life conservation district within a portion of the nearshore waters off Leleiwai Beach Park in Hawaii County.

Testimony presented before your Committee by the Department of Land and Natural Resources reveals that six marine life conservation districts have been established in the State and two of these are in Hawaii County. The Department, however, has not had the opportunity to conduct marine surveys in the nearshore waters off Leleiwai Beach Park.

Your Committee finds that a feasibility study of this area will require biological and resource information obtained through marine surveys and public input solicited through public meetings and hearings in order to properly assess the biological and socio-economic impact.

Your Committee also finds that the Department of Land and Natural Resources supports this Concurrent Resolution and will make every effort within limits of available funds and manpower to carry out the intent and purpose of this House Concurrent Resolution.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 92 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 898 Ocean and Marine Resources on H.R. No. 451

The purpose of this Resolution is to request a study of the feasibility of establishing a marine life conservation district within a portion of the nearshore waters off Leleiwai Beach Park in Hawaii County.

Testimony presented before your Committee by the Department of Land and Natural Resources reveals that six marine life conservation districts have been established in the State and two of these are in Hawaii County. The Department, however, has not had the opportunity to conduct marine surveys in the nearshore waters off Leleiwai Beach Park.

Your Committee finds that a feasibility study of this area will require biological and

resource information obtained through marine surveys and public input solicited through public meetings and hearings in order to properly assess the biological and socio-economic impact.

Your Committee also finds that the Department of Land and Natural Resources supports this Resolution and will make every effort within limits of available funds and manpower to carry out the intent and purpose of this Resolution.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 451 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 899 Ocean and Marine Resources and Education on H.R. No. 169

The purpose of this Resolution is to request the appropriate House Committees to review the status of marine education programs in the State.

Testimony before your Committees by the Department of Education, the Marine Affairs Coordinator, and John McMahon, a professional in marine education, indicates that a complete, statewide, multidisciplinary marine education program is lacking and that a review of existing programs within the State is necessary.

Hawaii is unique in regards to marine education. We already have some excellent marine education programs and a nationwide reputation as the leading State in this field. Unfortunately, Hawaii is also seriously deficient in some key marine education areas. The marine education field is large and complex, but, there is no single person or agency that is aware of all the marine education efforts underway in the State.

Your Committees find that since Hawaii's history, culture, life style, and economic well being are so closely linked to the sea, it is imperative that the people of Hawaii, particularly its young people, be informed and educated in matters relating to the sea.

Your Committees further find that the office of the Marine Affairs Coordinator is currently obtaining information on all marine education programs underway in the State and synthesizing it into a Marine Education Master Plan.

Your Committees have made the following amendments to this Resolution:

- (1) amended the title of the Resolution to be "REQUESTING THE MARINE AFFAIRS COORDINATOR TO REVIEW THE STATE'S MARINE EDUCATION PROGRAM."
- (2) amended the "BE IT RESOLVED" section to have the Marine Affairs Coordinator requested to review the status of the marine education program.
- (3) amended the "BE IT FURTHER RESOLVED" section to request the Marine Affairs Coordinator to present his findings and recommendations to the Legislature twenty days prior to the convening of the 1980 Regular Session.
- (4) amended the second "BE IT FURTHER RESOLVED" section to have a certified copy of this Resolution to the Marine Affairs Coordinator instead of the Chairmen of the appropriate House Committees.

Your Committee on Ocean and Marine Resources and the Committee on Education concur with the intent and purpose of H.R. No. 169, as amended herein, and recommend it be referred to the Committee on Finance in the form attached hereto as H.R. No. 169, H.D. 1.

Signed by all members of the Committees except Representative Garcia.

SCRep. 900 State General Planning; and Ecology and Environmental
Protection on H.R. No. 155

The purpose of this Resolution is to review the findings, progress, and problems of determining the carrying capacity for the State of Hawaii. This review would include the identification of feasible courses of action for required changes to existing facility

support systems when the State's growth approaches the determined carrying capacity limits.

Testimonies presented before your Committees indicate that several studies on carrying capacity determination have been undertaken and completed such as:

An Approach for Developing, Assessing, and Utilizing Carrying Capacity Concepts and Criteria for Growth Management, January 1975 (the first report to the Legislature and proposed plan of study).

Carrying Capacity Prototype Investigations in the State of Hawaii, February 1976.

Systems and Methodologies for Carrying Capacity Analyses in the Hawaii Study: an Illustration, September 1976.

A Carrying Capacity Study - State of Hawaii: Area Selection and General Requirements, November 1976.

A Carrying Capacity Study - State of Hawaii: North Kona-South Kohala, Phase I, November 1977 (baseline analyses for the North Kona-South Kohala substudy).

A Procedural Guide for the Application of Carrying Capacity Analytical Methodology for Growth Management, August 1978.

Carrying Capacity Action Research; A Case Study in Selective Growth Management, Oahu, Hawaii, dated January 1978 - released March 1979 (funded by USD HUD).

Testimony presented by Dr. William Boyer, Associate Director of the Environmental Studies Program, University of Hawaii, further pointed out a need to expand the existing scope of the carrying capacity studies to encompass social considerations.

Your Committees feel that sufficient studies have been undertaken to develop the methodology for determining carrying capacities in Hawaii. However, further study by your Committees is needed to determine the actions needed to implement some of the recommendations of these studies and to determine how these recommendations fit into the process of implementing the Hawaii State Planning Act, Act 100, Session Laws of Hawaii 1978.

In order to comprehensively evaluate the progress and problems in developing and implementing the recommendations of the carrying capacity studies for the State, your Committees have amended this Resolution to provide for further study of this matter during the 1979 legislative interim.

Your Committees on State General Planning and Ecology and Environmental Protection concur with the intent and purpose of H.R. No. 155, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 155, H.D. 1.

Signed by all members of the Committees.

SCRep. 901 Housing; and Public Employment and Government Operations
on S.B. No. 1451

The purpose of this bill is to remove the existing six-year time limitation on Hawaii Housing Authority employment contracts.

Pursuant to HRS 356-5(e) no individual hired under contract may be employed beyond a maximum of six years. Testimony from the Authority indicated that such a restriction is arbitrary as there exists no justification for limiting such employment to six years as opposed to eight or ten years. Moreover, it is detrimental to the Authority's program operations as the length of service required from contractual employees may well exceed the present six-year ceiling.

Your Committees find that HRS 356-5(e) as amended provides that no contract shall be for a period longer than two years per individual term, and that the Authority shall have the option to review the contracts for additional two-year periods. These limitations coupled with the standard 30-day termination notice contained in all such contracts will provide more than adequate controls over contract hires.

Your Committees have corrected a typographical error in Section 1, Line 1 to read:

"Section 356-5" instead of "Section 356-6".

Your Committees on Housing and Public Employment and Government Operations are in accord with the intent and purpose of S.B. No. 1451, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1451, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 902 Higher Education and Energy on S.B. No. 108 (Majority)

The purposes of this bill are to provide permanent status for the Hawaii Natural Energy Institute (HNEI) and to designate HNEI as the State's lead organization for natural energy research, development, and demonstration efforts.

Act 235, Session Laws of Hawaii 1974, established HNEI as a research unit at the University of Hawaii, Manoa, to "coordinate and undertake the development of non-polluting natural energy sources for Hawaii." An appropriation for planning the structure and subsequent operation of the HNEI was included.

Your Committees find that, since its establishment in 1974, the HNEI has provided outstanding leadership in the development of energy-related activities. Approximately ninety energy research and development projects have been completed or are ongoing. Total funds for these projects amount to \$21,076,031, of which \$16,386,500 represents non-state moneys.

While the Institute's operating costs amount to \$332,453, HNEI has been able to bring \$722,127 to the State's general revenues in overhead funds. The HNEI, through its grant application efforts, has generated more revenues for the State than has been provided for its operating requirements by the general fund.

Your Committees believe that, if HNEI is to continue its outstanding work, it should be provided a permanent status, a budget, and a core staff necessary to coordinate its broad and significant programs.

Chapter 304 of the Hawaii Revised Statutes has been amended to effect the purposes set forth in this bill.

Your Committees on Higher Education and Energy are in accord with the intent and purpose of S.B. No. 108, S.D. 2, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives
Garcia and Larsen.
(Representative Anderson did not concur.)

SC Rep. 903 Legislative Management

Informing the House that House Resolution Nos. 636 to 641, House Concurrent Resolution No. 159, and Standing Committee Report Nos. 875 to 902, have been printed and distributed.

Signed by all members of the Committee.

SC Rep. 904 Employment Opportunities and Labor Relations on H. R. No. 427

The purpose of this resolution is to conduct a study for the employment of the elderly in part-time positions created by the State. The study should include an assessment of costs, legality and other related matters.

The Department of Labor and Industrial Relations currently administers the Senior Community Services Employment Program (SCSEP) funded by the United States Department of Labor under Title V of the Older Americans Amendments. The program's purpose is to provide economically disadvantaged elderly individuals with general benefits resulting from subsidized part-time employment and a moderate level of supportive services. Those served are the elderly, age 55 and over, with emphasis on those age 60 and over who are physically and mentally capable of performing part-time employment

and duties. The goals for the program are to provide SCSEP participants with (1) the restorative experience of community service work; (2) a renewed sense of personal value arising from involvement with the community; (3) the acquisition or revitalization of specific job skills; (4) assistance with personal and job related problems; and (5) unsubsidized employment to enable the participants to live useful and independent lives and to increase their capacity for self-sufficiency.

Federal resources available, however, are limited and allows service to be provided only to a small number of the total eligible population. During the current fiscal year, approximately 233 individuals will be provided with part-time subsidized employment at a cost of \$915,438. The law requires a 10% matching of the federal resources on the part of the State agency.

Your Committee finds that the State Commission on Manpower and Full Employment would be the appropriate agency to conduct the study and has amended the resolution accordingly. Your Committee also included the Department of Personnel Services as a cooperating agency to furnish information requested by the Commission.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 427, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto, as H.R. No. 427, H.D. 1.

Signed by all members of the Committee except Representative Ikeda.

SCRep. 905 Education on H.R. No. 475

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study exploring the feasibility of converting Waianae High School into the State's first marine high school with emphasis on vocational and life skills.

Your Committee finds that educational programs should reflect the values and interests of the community in which the school is located, and since the ocean is an important part of the lifestyle of Waianae community residents, the possibility of converting Waianae High School into an all-marine high school should be studied.

The Department of Education testified in support of the intent of the resolution. However, they expressed concern about the implication for students who are not interested in ocean-related skills development.

The Marine Affairs Coordinator's Office testified in support of the resolution. They reported that they are currently developing a master plan for marine education and feel that Waianae High School would be an ideal place to begin a marine education program.

Testimony received from the Acting Chairman of the Board of the Waianae Hawaiian Heritage Cultural Center also supported the resolution. The Acting Chairman expressed the belief that marine education programs in the Waianae area would have a positive effect on the educational needs and interests of Waianae students.

Your Committee on Education concurs with the intent and purpose of H.R. No. 475 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 906 Education on H.C.R. No. 103

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study exploring the feasibility of converting Waianae High School into the State's first marine high school with emphasis on vocational and life skills.

Your Committee finds that educational programs should reflect the values and interests of the community in which the school is located, and since the ocean is an important part of the lifestyle of Waianae community residents, the possibility of converting Waianae High School into an all-marine high school should be studied.

The Department of Education testified in support of the intent of the concurrent resolution. However, they expressed concern about the implications for students who are not interested in ocean-related skills development.

The Marine Affairs Coordinator's Office testified in support of the concurrent resolution. They reported that they are currently developing a master plan for marine education and feel that Waianae High School would be an ideal place to begin a marine education program.

Testimony received from the Acting Chairman of the Board of the Waianae Hawaiian Heritage Cultural Center also supported the concurrent resolution. The Acting Chairman expressed the belief that marine education programs in the Waianae area would have a positive effect on the educational needs and interests of Waianae students.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 103 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 907 Transportation; and Water, Land Use, Development and Hawaiian Affairs on H.R. No. 328

The purpose of this resolution is to transfer the jurisdiction of Hanalei Pier from the Department of Transportation (DOT) to the Department of Land and Natural Resources (DLNR).

Your Committees notes that according to DOT, the Hanalei Pier has great potential as a water recreation facility for the people of the north shore of Kauai. Currently the structure is unsafe and rapidly deteriorating. The DOT agrees to the jurisdiction transfer which would enable the DLNR to develop the facility for public recreational purposes.

Your Committees on Transportation and Water, Land Use, Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 328 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representative Garcia.

SCRep. 908 Transportation on H.R. No. 87

The purpose of this resolution is to assess the adequacy of existing funding sources for general aviation operation.

Your Committee finds that a report by the Legislative Auditor shows the statewide airport system as being self-sufficient as required under present statutes. However, the report also shows that revenues derived from certain components of the system do not cover their share of the expenses and are instead partially subsidized by other components.

Your Committee recommends that the Department of Transportation be responsible for this study and has amended the resolution by changing the words "appropriate state agencies" to "the Department of Transportation" accordingly.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 87 as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 87, H.D. 1.

Signed by all members of the Committee.

SCRep. 909 Transportation on H.R. No. 86

The purpose of this resolution is to request the House Committee on Transportation to review the Honolulu International Airport Master Lease and its amended Exhibit I.

Your Committee notes that the statewide airport system is required by Section 261-5, Hawaii Revised Statutes, to be financially self-sufficient and that the Honolulu International Airport Master Lease and its amended Exhibit I were reviewed in the 1977 as the main instrument of the statewide airport system financial policy. The amended Exhibit I has been in effect for approximately one and one-half years and your Committee believes that this agreement between the Department of Transportation and airport

users should be reviewed to identify problem areas and examine current operations.

In order to allow adequate time for reviewing the financial relationship between the State and airport users, your Committee recommends amending this resolution to extend the submittal deadline of the Committee's review from the adjournment of the Regular Session of 1979 to the convening of the Regular Session of 1980.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 86, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 86, H.D. 1.

Signed by all members of the Committee.

SCRep. 910 Transportation on H.R. No. 192

The purpose of this resolution is to request the Department of Transportation to study the feasibility of mandating safety seating for children in moving vehicles.

The United States Department of Transportation estimates that over 1,000 children under age 5 are killed and 100,000 are injured as occupants of motor vehicles each year. Your Committee feels that these figures could be greatly reduced with the enactment of a mandatory safety seating law for children in moving vehicles, and would therefore like to review the merits of this law.

Your Committee on Transportation is in accord with the intent and purpose of H.R. No. 192 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 911 Transportation on H.R. No. 88

The purpose of this Resolution is to assess the impact of the federal airline deregulation act of 1978 on the adequacy of airport facilities and the airport special fund.

Your Committee notes that according to the Department of Transportation (DOT), radical fluctuations in volume are expected in air carriers which need to be assessed relative to facilities, finances and operations of the State airport system.

Your Committee recommends that the DOT be responsible for the study and has amended this resolution by substituting the words "appropriate state agencies" with "the Department of Transportation" accordingly.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 88 as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 88, H.D. 1.

Signed by all members of the Committee.

SCRep. 912 Transportation on H.R. No. 459

The purpose of this resolution is to request the Department of Transportation to study the air cargo facilities on the neighbor islands.

Interisland air cargo is important to the economy of Hawaii and must be encouraged and utilized to the maximum potential. Your Committee recommends a study to determine the adequacy of existing air cargo facilities.

Your Committee further recommends that the study include: 1) any projected increase in the volume of air cargo and the impact on facility requirements; 2) plans for the improvement or expansion of air cargo facilities if determined necessary and; 3) the funding source and implementation schedule for improvements or expansion of air cargo facilities if determined necessary.

Your Committee has amended the submittal deadline of the study from twenty days prior to the convening of the Regular Session of 1979 to twenty days prior to the convening of the Regular Session of 1980.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 459 as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 459, H.D. 1.

Signed by all members of the Committee.

SCRep. 913 Health on H.R. No. 357

The purpose of this resolution is to reduce the incidence of serious injury or death due to food-choking by requesting all food establishments and facilities to post instructions on the Heimlich Maneuver.

Your Committee finds from testimonies received that about sixty percent of all food choking deaths occur in restaurants. The Department of Health feels that the presence of the poster will be an excellent stimulus to the general public to seek training and become proficient in various lifesaving skills. In the four-and-one-half years since the introduction of the Heimlich Maneuver, there have been over 2,500 documented cases where an individual has been saved by this technique.

Your Committee further finds that the financial implication of this resolution is minimal, no more than the costs of printing the information.

Your Committee has amended this resolution in the following major respects:

- (1) By requesting the Department of Health to post instructional procedures involved in first-aid for choking in all eating establishments and facilities; and
- (2) By adding another BE IT FURTHER RESOLVED clause requesting the Department of Health to make every effort to involve and seek the cooperation of the appropriate organizations to assist in the training of this life-saving method.

Your Committee on Health concurs with the intent and purpose of H.R. No. 357, as amended herein, and recommends that it be referred to the Committee on Education in the form attached hereto as H.R. No. 357, H.D. 1.

Signed by all members of the Committee.

SCRep. 914 Health and Consumer Protection and Commerce on H.R. No. 505

The purpose of this resolution is to request a study on the feasibility of incorporating catastrophic illness coverage in prepaid health care plans.

Your Committees find that there are gaps or deficiencies in existing pre-paid catastrophic medical insurance coverage, with respect to eligibility, illnesses, conditions, expenses and monetary limits. Most insurance plans do not cover catastrophic illnesses adequately. A case in point is that most insurance companies do not pay for blood or its derivatives, or only pay for a small portion of the cost.

Your Committees further find that there is a need to identify and evaluate alternative measures that could be taken to close these gaps. The inclusion of catastrophic illness coverage may allow some to seek employment or foster a greater degree of independence and self-sufficiency by removing the dependence on welfare support.

Your Committees on Health and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 505 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 915 Health and Judiciary on H.R. No. 486

The purpose of this resolution is to request that the Department of Health adopt rules and regulations granting procedural due process for patients or wards of Waimano Training School and Hospital whose conditional discharges or temporary leaves of absence have been terminated or revoked.

The State Planning and Advisory Council on Developmental Disabilities testified that "at the present time the Director of Health, as guardian of a person committed to Waimano, can grant that person a conditional discharge and a temporary leave of absence. Further, the Director of Health can also terminate the conditional discharge or temporary leave of absence. The question is what protection should be given to the person who has been granted these rights and then has them terminated. At the present time, the ward and his family have no right to prior notice, a hearing, legal representation, a written decision or an administrative appeal if these rights are terminated. Failure to provide such procedural safeguards denies the ward fundamental fairness and procedural due process of law."

Your Committees received further testimony from the State Planning and Advisory Council on Developmental Disabilities and a parent that similar procedural due process is needed for client and parent/guardian consent for decisions regarding the placement of the client in the community and removal from Waimano Training School and Hospital.

Your Committees on Health and Judiciary concur with the intent and purpose of H.R. No. 486 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 916

Health and Judiciary on H.C.R. No. 108

The purpose of this concurrent resolution is to request that the Department of Health adopt rules and regulations granting procedural due process for patients or wards of Waimano Training School and Hospital whose conditional discharges or temporary leaves of absence have been terminated or revoked.

The State Planning and Advisory Council on Developmental Disabilities testified that "at the present time the Director of Health, as guardian of a person committed to Waimano, can grant that person a conditional discharge and a temporary leave of absence. Further, the Director of Health can also terminate the conditional discharge or temporary leave of absence. The question is what protection should be given to the person who has been granted these rights and then has them terminated. At the present time, the ward and his family have no right to prior notice, a hearing, legal representation, a written decision or an administrative appeal if these rights are terminated. Failure to provide such procedural safeguards denies the ward fundamental fairness and procedural due process of law."

Your Committees received further testimony from the State Planning and Advisory Council on Developmental Disabilities and a parent that similar procedural due process is needed for client and parent/guardian consent for decisions regarding the placement of the client in the community and removal from Waimano Training School and Hospital.

Your Committees on Health and Judiciary concur with the intent and purpose of H.C.R. No. 108 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 917

Finance on H.C.R. No. 134

The purpose of this concurrent resolution is to establish a joint interim committee of the legislature to study how to best implement section 5 of Article VIII of the State Constitution which provides that "If any new program or increase in the level of services under an existing program shall be mandated to any of the political subdivisions by the legislature, it shall provide that the State share in the cost".

Your Committee finds that the intent of the 1978 constitutional amendment was to assure that the State did not circumvent the spending limit by transferring some of its functions to the counties or by requiring the counties to undertake new programs. However, your Committee further finds that substantial questions still remain to be answered even after several extensive hearings on this matter and your Committee agrees that an interim committee study will be in the best interest of all concerned.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 134 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 918

Corrections and Rehabilitation on H.R. No. 477

The purpose of this resolution is to request the House Corrections and Rehabilitation Committee to conduct a study on the feasibility of establishing a fishing program at the Hawaii State Prison.

Your Committee finds that one of the many problems that plague the Hawaii State Prison Administration is the lack of meaningful work programs for the inmates, resulting in 150-200 idle inmates left with little rehabilitative activities.

The establishment of a fishing program would, in part, help to alleviate this problem while developing competent fishermen for an industry in need of qualified fishermen. This program could conceivably provide the entire prison system with seafood while giving the inmates an opportunity to earn some money while learning a new vocation. Upon his release, the inmate will leave prison with a highly marketable skill and money in his pocket. The implementation of this program should contribute much toward increased morale and greater motivation of the inmates.

Your Committee has amended this resolution to request an interim study by the House Corrections and Rehabilitation Committee, with the cooperation of the Department of Social Services and Housing, the Department of Land and Natural Resources and the University of Hawaii Manpower Training Office, to study the feasibility of a fishing program at the Hawaii State Prison. The study should consider the cost involved in implementing and operating such a program, the type of vessel to acquire and the attendant problem of security.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.R. No. 477 as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 477, H.D. 1.

Signed by all members of the Committee.

SCRep. 919

Employment Opportunities and Labor Relations on H.R. No. 44

The purpose of this resolution is to review the problems and needs of vocational rehabilitation workshops and to report the findings to the House of Representatives before the end of the Regular Session of 1979.

The State of Hawaii provides vocational rehabilitation services by contracting with vocational rehabilitation workshops throughout the State. This program is not as effective as it should be and is experiencing funding difficulties. A review to identify the problems and needs of vocational rehabilitation workshops will enable maximum effectiveness for this program.

Several departments and agencies in the State government presently address these services. Your committee finds that there is a need for a study on the status of rehabilitation services and programs for the handicapped in Hawaii and has amended the resolution accordingly. The State Planning and Advisory Council on Developmental Disabilities has been designated as the lead agency to make and compile this study prior to the convening of the Regular Session of 1980. Your committee also amended the resolution by listing several areas that should be addressed in the study and has broadened the title to read: "HOUSE RESOLUTION REQUESTING A STUDY ON THE STATUS OF REHABILITATION SERVICES AND PROGRAMS FOR THE HANDICAPPED IN HAWAII".

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 44, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 44, H.D. 1.

Signed by all members of the Committee.

SCRep. 920

Higher Education

Your Committee on Higher Education, pursuant to H.R. No. 35, adopted by the Regular Session of 1979 and directed to "review the University of Hawaii's progress in developing and implementing the extended degree program" and "to report its findings and recommendations prior to the adjournment of the 1979 Regular Session," begs leave to report as follows:

BACKGROUND

The basic objective of the University of Hawaii's extended degree program is to provide opportunities for the attainment of a higher education degree to those individuals unable to enroll in regular, on-campus day courses.

The program was initiated in Hawaii as part of the Model Cities Program during the early 1970's. It was known as the Comprehensive Training Program with curriculum and courses provided through contractual agreement by the Central Michigan University. Upon termination of the Model Cities Program in 1974, the Legislature provided \$125,000 in state funds for FY 1974-75 to the University of Hawaii for the continuation of this program and another \$365,153 for FY 1975-76. Re-named as the University Without Walls program, the University continued to contract with Central Michigan University as well as Hawaii Pacific College to maintain an alternative higher education instructional program.

The alternative instructional programs provided by these institutions offer individuals academic credit for work and personal experiences. Additional courses required toward a college degree would then be identified and provided through an extended instruction schedule, generally evenings and weekends at community based facilities. Degree programs were provided in business administration, community services, and liberal arts.

In 1976, the Legislature explored the possibility of replacing the CMU program with an in-house extended degree program at the University of Hawaii. At that time, however, the University testified that it was not prepared to deliver a program similar to that offered by CMU and needed to develop a program plan of its own that would be educationally and fiscally sound. The Legislature appropriated \$175,000 for FY 1976-77 to provide for students already in the CMU program, and for the development of an extended degree program plan.

In 1977, the University reported that due to systemwide budgetary restrictions, it was unable to develop a program proposal and therefore, would have to continue contractual arrangements with Central Michigan University. \$200,000 was appropriated to again continue the program and for the development of a program proposal for submittal at the 1978 legislative session.

In 1978, the University testified that although it did not have a specific program proposal and while still limited by budgetary constraints, it was prepared to initiate extended degree activities. The Legislature expressed in the conference committee report and Section 54C of the State's Supplemental Appropriations Act, Act 243, SLH 1978, that the delivery of educational programs in community-based facilities can no longer be delayed, particularly since it is indicative of a growing trend in higher education. Viewing it as an area of future growth, the Legislature felt the University should have direct control over the development, delivery, and evaluation of extended degree instruction. Therefore \$250,000 was appropriated with a provision for close legislative monitoring of program's development and implementation.

At the 1979 State Legislature, the vice president for Academic Affairs reported that the University is currently: (1) assisting students in the University Without Walls program to complete their course requirements; (2) developing an "outreach policy" to govern curriculum planning for extended degree instruction; (3) preparing a timetable for program implementation; and (4) developing cost estimates on the use of various instructional modes such as cable T.V. and radio. (See attached)

FINDINGS AND RECOMMENDATIONS

Your Committee on Higher Education, having reviewed the University of Hawaii's progress in developing an extended degree program, is satisfied by initial efforts being made to assist former "University Without Walls" students to complete their degree requirements and to pursue the several ideas for extended instruction and other outreach activities filed in its report to the Legislature. Your Committee believes that as a result of these developmental efforts, over the next several years, more and more adult learners now unable to attend full-term on-campus day instruction will be able to earn a college degree.

Specifically, your Committee recommends that the following be pursued by the University as a policy framework for the development and implementation of a program plan for the extended degree program:

- (1) That the University pursue, on an incremental basis, extended instruction for associate, bachelor, and graduate degrees.
- (2) That the University seek to deliver limited upper division extended degree instruction leading to a degree on those neighbor islands which do not presently have a University campus offering upper division instruction;
- (3) That State General fund support for extended instruction be continued, and over the next several years be expanded as the University develops in more detail the activities and instructional modes for the delivery of extended instruction and better understands the demand by Hawaii's citizens for extended instruction;
- (4) That the University actively seek alternative sources of funding support for the extended degree program;
- (5) That the University administration and faculty examine the several modes of delivering extended instruction which have been successful at other mainland institutions, and as appropriate, incorporate such delivery mechanisms into its plans for extended instruction;
- (6) That the University seek to assure itself and its students that the instruction received through an extended format is of similar quality as other instruction, although in different times, location, and modes;
- (7) That the University develop its extended instruction so that it may be implemented as much as possible as an extension of regular day instruction; and
- (8) That the University review eligibility criterion for financial aid and recommend to the 1980 Legislature any changes which may be necessary to assist students enrolling for extended instruction.

Signed by all members of the Committee.

REPORT TO THE TENTH STATE LEGISLATURE
ON THE EFFORT OF THE
UNIVERSITY OF HAWAII TO DEVELOP AND
IMPLEMENT EXTENDED INSTRUCTION

The University is pleased to provide a progress report to the Hawaii State Legislature during the 1979 legislative session as requested by Act 243, Section 54C, Ninth State Legislature.

I. Meeting the Needs of Student in the University Without Walls (Comprehensive Training Program)

In late May of 1978 the University of Hawaii, Office of the Vice President for Academic Affairs met with the staff of the Comprehensive Training Program (CTP) in order to identify those University Without Walls Students currently enrolled, who desired to continue their programs and complete degrees. A total of 57 students was identified.

The CTP staff then cooperated with the staff of Central Michigan University and Hawaii Pacific College to determine the specific courses (major field or elective) which the 57 students needed in order to complete their degree programs.

In reviewing the courses required it was found that many were "lower division" electives, despite the fact that most of the 57 students were upper division students. Apparently the University Without Walls program did not require completion of certain prerequisite academic experiences prior to enrollment in upper division courses.

As a result of the identified course needs, it was arranged with both Leeward Community College and West Oahu College to offer the necessary courses on a "weekend schedule" similar to that which had been followed by the University Without Walls program. The schedule was adjusted somewhat, but did not allow students enrolled to complete each course over a four week period, attending classes only on weekends.

Group orientation and information meetings with former CTP students were conducted by West Oahu College and Leeward Community College academic staff during the summer, 1978. Former staff of the CTP program followed up with CTP students to be sure all such students understood and received the necessary forms and help in registering for the University's "alternative delivery systems" project courses, as they came to be called at this time.

Every effort was made to encourage former CTP students to enroll in the alternative delivery systems project, including newsletter mailings and telephone contacts. As of December 31, 1978, 22 of 57 CTP students chose to file applications for admission and to enroll in the programs offered. Of those 22 enrolled 7 students have indicated they intent to complete their coursework through the University, but transfer the credits earned and thus receive their degrees from Hawaii Pacific College or Central Michigan University. Four students intend to complete degree requirements at West Oahu College, while the remaining 11 students have not indicated a choice.

The University also arranged to provide financial aid to any student meeting the normal eligibility criteria for the receipt of State and/or federal financial aid funds. Of the 22 students enrolled, four students indicated a need for financial aid, one student completed the required financial aid forms and was found ineligible. Three students failed to supply the basic need analysis form and were not considered for aid. Thus, no students were found eligible for financial aid.

The University also sought to determine why 35 of the 57 CTP students chose not to continue with their studies. These former students were contacted by telephone and gave the following reasons for non-participation:

- * "New baby, new home, too busy to take courses"
- * "Continuing at UH-Manoa as a regular student"
- * "Busy with new job"
- * "Undecided about future"
- * "Full-time at Hawaii Pacific College"
- * "Starting new business"
- * "Under medical care"
- * "Cannot afford it" (But did not apply for financial aid)
- * "Transferred to mainland"
- * "Unable to locate"

The 22 students who have chosen to participate have enrolled or will enroll in one or more of the following courses, using community-based facilities in the Waianae-Nanakuli area and in downtown Honolulu:

Fall, 1978

Leeward Community College

Anth 200	-	Cultural Anthropology
Eng 250	-	American Literature
Hist 151	-	World Civilization I
Hist 152	-	World Civilization II
Phil 210	-	Introduction to Logic
PolSc 110	-	Introduction to Political Science

West Oahu College

Admin 300	-	Principles of Marketing
Admin 350	-	Seminar in State and Local Government
Anth 350	-	Anthropology of the Pacific Basin

Econ 311	-	Hawaii's Economy
Hum 310	-	Writing Skills
PolSc 401	-	Public Opinion and Political Behavior
Psy 426	-	Organizational Behavior
SocSc 334	-	Social Behavior

Spring, 1979

Leeward Community College

Anth 150	-	Human Adaptations
Chem 100	-	Chemistry and Man (plus lab for non-majors)
Eng 250	-	American Literature
Hist 151	-	World Civilization
Music 160	-	Introduction to Music
Phil 100	-	Introduction to Philosophy
PolSc 100	-	Introduction to Political Science

West Oahu College

Admin 310	-	Politics and Administration
Admin 341	-	Human Relations in the Administrative Process
Admin 405	-	Topics: T.V. and Social Behavior
Anth 423	-	Social and Cultural Change
Hist 385	-	Hawaii
PolSc 370	-	International Relations
Psy 496B	-	Topics: T.V. and Social Behavior
SocSc 311	-	Critical Thinking and Problem Solving
SocSc 401	-	Urban Sociology

The academic progress of the 22 students enrolling in University of Hawaii courses has been as follows:

Five students completed degrees from Central Michigan University, December, 1978.

Two students will complete degree requirements for Central Michigan, June, 1979.

One student completed degree from Hawaii Pacific College, December, 1978.

Eight students will complete degree requirement for Hawaii Pacific College, June, 1979.

One student will complete final coursework at Hawaii Pacific College.

Five students have not established a graduation date.

It also should be noted that several of the 57 students chose not to enroll in University of Hawaii courses, but to continue their education only with Central Michigan or Hawaii Pacific College. Data given to the University by these two colleges indicate the following number of persons have graduated this fall:

Three students from Hawaii Pacific College with Bachelor's degrees.

Twelve students from Central Michigan University with Bachelor's degrees.

Six students from Central Michigan University with Master's degrees.

II. The Involvement of West Oahu College and Leeward Community College with University Without Walls (CTP) Students

West Oahu College and Leeward Community College were asked to

participate in the delivery of instruction a) because of the strong philosophical commitment by their faculty to non-traditional ways of delivering instruction, and b) because of their proximity to the geographic area in which University Without Walls courses previously had been taught. The program provides that the two colleges fulfill the following:

- A. To be responsible for the development and implementation of specialized instructional delivery modes which take into account the unique needs of the learner population for which an "extended instruction schedule is intended. Characteristics of such learners include:
 - * off-"campus" geographic locations
 - * time constraints that conflict with traditional college course schedules
 - * homebound status resulting from handicap, family responsibilities or lack of transportation
 - * cultural isolation and cultural learning styles
- B. Over the next two to three years, to be responsible for developing delivery strategies that are educationally and economically justifiable for small groups of 15 or fewer students, for individual learners, and for persons unable to meet a regular "three days a week" schedule of classes.
- C. Beginning with the Fall 1978 semester, to set and implement an "extended" instruction schedule (evening and weekend classes at off-campus sites) which will enable the non-traditional adult learner to pursue a degree program in the areas of concentration currently offered to regular students; but accommodating first the students enrolled in the Comprehensive Training Program and currently classified as seniors in the Central Michigan University degree program and secondly, other CTP students who are upper division students.
- D. To be responsible for providing those services necessary to assist non-traditional adult learners to avail themselves of the opportunity to pursue a degree program through an extended instruction schedule, including admission, academic advising, registration and academic record-keeping, financial aid, veterans counseling, and career guidance and placement.
- E. To be responsible for providing academic and administrative support associated with the delivery of instruction including the recruitment and hiring of faculty, arranging of facilities, ordering of course materials including texts and library materials, and other necessary administrative services such as processing of faculty mileage vouchers and other incidentals.
- F. With the assistance of the Office of the Vice President for Academic Affairs as convenor of first meeting, to develop complete extended instruction schedule (i.e., freshman through senior year) which will articulate courses offered by the University Community Colleges with the areas of concentration offered by West Oahu College.
- G. To explore the acceptance of academic credit for non-traditional learning experiences which has been awarded by the University and other higher education institutions, and articulate such credits with the areas of concentration offered by West Oahu College.

In addition to the above activities the campuses agreed to the following general understandings:

- A. That the extended instruction schedule of courses and faculty assigned to same shall be integrated into the normal and regular schedule of courses and workload assignment of the faculty.

- B. That the colleges shall maintain control of the curriculum, but shall work toward implementing strategies for delivering instruction and academic credit assessment which are most likely to be effective with the learner population involved by taking into account the constraints to pursuing a traditional education which they face and past non-traditional learning experiences which may have applicability to the WOC degree.
- C. That the Office of the Vice President for Academic Affairs through funds appropriated and allocated Academic Support (UOH 901) will in turn allocate resources necessary for accomplishing the necessary additional courses/sections to implement and extended instruction schedule including funds for instructional staff and related academic support and that after adequate experience with such the extended degree schedule and appropriate evaluation the colleges will be authorized to increase the current service base at marginal cost levels to include funds for the integration of the extended instruction schedule into their total instructional program.

III. Employment of former University Without Walls staff

The University has followed the intent of the Legislature and employed the two former employees of the University Without Walls Program to assist in the "transitional" phase of the alternative delivery systems project. Under the supervision of the Office of the Vice President for Academic Affairs, they serve as information specialists assisting former CTP students to enter the University's alternative delivery system project by providing help in the completion of admissions and financial aid forms, information on registration, and general orientation and logistical assistance to students. They also have become involved with the University's effort at planning for an Educational Information Centers network, a federally funded project to make information on educational opportunities accessible to all people statewide.

IV. Current Status of Planning for the Alternative Delivery System Project and Other Extended Instruction

During the fall, 1978, a curriculum planning committee which includes faculty and administrators from Oahu's Community Colleges and West Oahu College was convened. The task of the committee is to identify programs and the appropriate courses to comprise the curricula to be offered in the alternative delivery format. Choice of programs to be offered has been based on the "program demand" experience of "extended degree" programs nationally and in Hawaii. Thus, initially, the University will examine the feasibility of offering instruction leading to baccalaureate degrees. Courses identified eventually will be adapted to one of several formats including but not limited to: telescoped scheduling, T.V. and radio courses, guided study, and newspaper courses. They will be "packaged" such that a student is able to receive necessary instruction in an orderly and planned sequence and leading to a degree, assuming a student enrolls at planned entry points.

While it is planned that lower division instruction will be provided by faculty from all the University Community Colleges, Leeward Community College will serve as the administrative unit for the purposes of student admissions, academic recordkeeping, scheduling, personnel transactions, and so forth. When students reach upper division status, these functions will be carried out by West Oahu College and as appropriate, Manoa.

Plans call for interested faculty to spend a portion of the Spring semester adapting selected existing courses to one of the several suggested formats and for the campus administrations to schedule and "market" the program on the island of Oahu. The University then intends to accept new (not only former CTP) students into the alternative delivery system project beginning Fall 1979. A very few students already enrolled at West Oahu College (who were not former CTP) students) are currently enrolled in one or more of the current telescoped courses offered by that campus.

To date the University has committed approximately \$93,000 of the

\$100,000 State General funds allocated by the University to this project. These funds have gone for instructional purposes, for course adaptations, and for salaries, necessary supplies, and facilities rental for the two former University Without Walls employees. An additional \$45,000 federal grant has been received by the Office of the Vice President for Academic Affairs as part of its effort to develop the Educational Information Centers network to support the information and advising component of the alternative delivery systems project, and to develop the State plan for an educational information network. The University intends also to seek federal Title I-A funds to support course adaptations to alternative delivery system project courses. There is, of course, no guarantee that such federal funding will be forthcoming.

In addition to this cooperative effort between the University Community Colleges and West Oahu College to develop alternative delivery systems as part of their instructional programs, the College of Continuing Education and Community Service, University of Hawaii at Manoa has planned and offered courses during the evening, which if continued by a student on a regular basis, will lead to the completion of a baccalaureate program in Business Administration. Currently, these courses are provided on a self-support basis, i.e., student tuition charges must cover the direct cost of delivering the instruction, and are scheduled to meet during the normal workweek but in the evening. The program enables persons who are employed during the day to attend classes after work, leaving their weekends free for other responsibilities. CCECS is investigating the feasibility of adding other specific degree programs.

It is important to note that development or start-up costs for pursuing broader methods for extended instruction do have a broad range. If a full blown program is developed in a short time period, development investments of \$250,000-300,000 a year for at least a biennium would not be inappropriate and is on the low side when compared to other institution's experience. In addition, there is the additional operating costs that are dependent upon the modes of instruction and number of students enrolled. It is clear that investment in development at the level mentioned is not possible within the context of current services budgeting. Therefore, during the formative stages of the "alternative delivery system," the University will follow a staged and incremental development with extended instruction financed as much as possible within outreach of "regular" programs.

V. The 1979-81 Budget and the "Alternative Delivery" Effort

For the 1979-81 the University may be able to support only a modest effort at implementing alternative instructional delivery activities. This is not to say that faculty interest is not high; rather, the high cost of media development and delivery and the need to integrate such instruction with other programs will limit the instructional delivery activities used to those that are less media-based systems. Weekend instruction, pre-packaged modules, and guided study are most likely to emerge, while full-blown development and delivery of T.V. and radio courses will have to be deferred.

Also, the University must begin a modest effort at "marketing" the program in order that the non-traditional student such as the older (over 25 years of age) working adult, the homebound (during the week) mother, the homebound handicapped person, the incarcerated adult seeking self improvement, and generally anyone else who for whatever reason is unable to come to a campus during the regular day schedule, may be informed of the opportunity to receive a college education and participate.

EXECUTIVE BUDGET REQUEST

FY 1979-81

	<u>FY 1978-79</u>	<u>FY 1979-80</u>	<u>FY 1980-81</u>
Personnel			
A	-0-	-0-	-0-
A-L	32,668	35,000	45,000
A-I	3,000	3,123	3,251
A-O	30,372	31,524	32,712
Supplies	33,960	35,998	38,158
Equipment C	-0-	-0-	-0-
	<u>100,000</u>	<u>105,645</u>	<u>119,121</u>

At the present time, no permanent position counts are included in Systemwide Academic Support (UOH-901) for this effort. It is intended that once the alternative delivery system program plans are firm, the true student demand for those instructional efforts demonstrated, and the support services required to operate the program evident, it is likely that decisions about administrative supervision of on-going activities will be decided. At that time personnel needs of a more permanent nature will be recommended and considered within the University and State budget process. Accordingly, the budget continues the A-O category for personnel (temporary hire) through FY 1979-81.

VI. University Policy on Outreach (Extended) Instruction

The University has recently completed a draft "outreach policy" as a way of comprehensively addressing the issues associated with the delivery of extended degree instruction and is now undertaking internal review of that draft, including consultations by the Board of Regents. The policy addresses long range goals, philosophical assumptions, funding, and delivery provisions. It should be completed and decided by the Board of Regents prior to the end of the 1979 Legislative Session. However, certain assumptions being recommended by the University Administration and upon which such final review by the Board is to occur may be stated.

It may be helpful to distinguish between the assumptions and distinguish between the assumptions on which traditional and non-traditional higher education is based: The assumptions on which traditional higher education is based are:

- * Most students are between 17-22 years of age.
- * Most students attend college full-time and complete their Bachelor's degree within 4-5 years.
- * Serving the higher educational needs of full-time students deserves priority over serving part-time student's needs.
- * Higher education is best conducted on-campus and in a classroom.
- * Higher Education is best conducted within rigid time blocks and only during the work day.

In contrast, assumptions on which non-traditional higher education is based follow:

- A. Assumptions that govern the delivery of non-traditional instructional

programs:

- * That many students are some several years beyond the traditional (17-22) college-going age.
- * That many students are able to enroll only on a part-time basis, and may have to disenroll from time-to-time.
- * That many students are able to receive instruction only if that instruction is at times and places other than the traditional regular day on-campus schedule, for such students have constraining family responsibilities and obligations.
- * That instruction can and should be for degree credit, leading occupied entry level degrees initially, associate and bachelors' degrees; yet courses offered should be chosen so as to serve the most students at a reasonable cost, and permit achievement of two and four year degrees within acceptable time periods (i.e., 4-7 years).
- * That learning can and does take place in settings which are convenient for learners.
- * That education often does occur in incremental stages, and not necessarily in accordance with the traditionally fixed schedules.
- * That the public is best served when all of our citizens have an opportunity to pursue a higher education at reasonable cost and in settings and modes which respond to their unique responsibilities and obligations, while maintaining the integrity and credibility of the instruction provided.

B. Assumptions proposed as a basis of funding and financial aid.

- * That over the long term, regular credit instruction offered in non-traditional delivery modes and leading to a University of Hawaii degree, ought to be offered to students at a cost which is similar to that charged to students for regular day on-campus instruction. To realize this assumption, State General fund support must be forthcoming over and above State General funds provided for current and improved services of the regular (traditional) instructional programs, and not as a substitute within present funding levels.
- * That in the short term, instruction and associated support for non-traditional delivery modes and student support services may have to be funded by a combination of State General funds and other sources of funds, and charges to students may have to be at a level somewhat higher than current charges for regular day on-campus instruction if such programs are included within policies requiring self-support of direct costs.
- * That financially needy students pursuing higher education in non-traditional delivery modes shall have adequate financial aid available. Current eligibility criteria for such aid may have to be modified to recognize the part-time nature of these students, and other "non-traditional" circumstances which affect usual need analysis.

C. Assumptions that govern curriculum planning.

- * Not all subject matter lends itself to every non-traditional delivery mode, if the integrity of the instruction provided and the soundness of the degree ultimately conferred are to be maintained. For example, experiences both in Hawaii and nationally suggest strongly that instruction in the following academic programs are usually adaptable for delivery via non-traditional modes: business administration, public administra-

tion, applied social sciences and human/community services.

In summary, the University's primary goals for outreach instruction, based on the assumptions above, are:

1. Extended degree credit instruction incrementally for appropriate and desired associate, bachelor, and graduate degree for persons unable to attend full term on campus during the working day.
2. Extended instruction will be provided at the same quality level as other instruction although it may be at different times and locations and in different modes.
3. Insofar as possible, extended instruction will be extensions of regular instruction and implemented as much as possible within its organization and funding.
4. This effort will be phased, roughly as follows:
 - 1978-79 -- Assuming responsibility for former University Without Walls students by Extended Instruction by West Oahu (upper level) and when possible and necessary by Leeward (lower division).
 - 1979-80 -- A.A. degrees to be offered by selected Community Colleges in extended format based on feasibility/need studies, especially for Maui and Kauai; Manoa will offer selected degree programs available entirely in its evening program.
 - 1980-81 -- Based on the experience in the above continued development of extended programs so that by 1983, all islands will have access to at least one associate and bachelor degree program in an extended format.

Costs for this effort will be dependent upon the pace of development, the degree to which electronic delivery is used, and the interest and enrollment of students.

SCRep. 921 Health on H.R. No. 635

The purpose of this resolution is to recognize March as Red Cross Month and also recognize the services provided by Red Cross volunteers.

The Red Cross offers valuable services to the community by providing assistance to all victims of disaster, offering training in first aid, water safety, nursing and health; and meeting the needs of over 100,000 servicemen and their dependents in Hawaii. The work done by the Red Cross and its volunteers epitomizes unselfish, humanitarian efforts to aid those in need.

Your Committee on Health concurs with the intent and purpose of H.R. No. 635 and recommends its adoption.

Signed by all members of the Committee except Representatives Ushijima and D. Yamada.

SCRep. 922 Finance on S.B. No. 1373

The purpose of this bill is to appropriate additional monies to the Department of Education and thereby allowing the Department of Education to balance its operating budget for fiscal year 1978-79.

The Department of Education reported that there is insufficient funds to pay for all the positions authorized and needed to provide basic services. They indicated that the salary shortage is due to: (1) shortage in the amounts appropriated for pay raises, (2) special education enrollment exceeding their budgeted projection, and (3) difficulty of generating sufficient salary savings to cover the turnover savings deducted in advance.

Their projected shortage is \$1.8 million.

Your Committee agrees that this bill should be acted upon to comply with all legislative procedures and to provide a legislative vehicle, if necessary, for approving final appropriation; therefore, your Committee has amended section 2 of this bill by providing a nominal appropriation pending a determination of the actual amount required as a supplemental appropriation to cover the deficit.

Other style and technical amendments were made without affecting the substance of this bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1373, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1373, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 923

Finance on S.B. No. 1389

The purpose of this bill is to extend the lapsing date of Act 82, Session Laws of Hawaii 1973, from June 30, 1979 to June 30, 1980.

Act 82, Session Laws of Hawaii 1973, appropriated \$4.1 million to the Kauai Task Force for the purpose of planning and developing sound agricultural and other economic alternatives to fill the void created by the closing of the Kilauea Sugar Company and the last pineapple cannery on Kauai. This bill would extend the lapsing date of the Act to allow the Kauai Task Force to continue its study of agricultural development projects which may be beneficial to Kauai's future growth and development.

Your Committee has amended this bill to reflect the correct statutory citation.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1389, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1389, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 924

Finance on S.B. No. 1409

The purpose of this bill is to amend section 164-1, Hawaii Revised Statutes, to modify the composition of the governor's agriculture coordinating committee.

This bill deletes the administrative director to the governor as a member; includes the special assistant for agriculture, office of the governor, as a member who shall also be the chairperson; increases the number of farmer members from two to three with the provision that farmer members shall be appointed subject to the advice and consent of the senate.

Your Committee has amended this bill by deleting sections 2 and 3 relating to appropriations and renumbering the subsequent sections of the bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1409, 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. 1409, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 925

Finance on S.B. No. 1611

The purpose of this bill is to amend the Hawaii Revised Statutes to require that every applicant for a marriage license receive serological testing for rubella. The Department of Health will also be responsible for the follow up and immunization of those women found to be susceptible to rubella.

Your Committee finds that the rubella susceptibility of women in Hawaii between the ages of 18 to 25 is the highest in the nation. By identifying susceptibles, such women can be medically followed and encouraged to obtain an immunization.

This bill has been amended by adding a "sunset" clause to section 5. Your Committee finds that within five years the majority of marriage license applicants would have been immunized against rubella through the school health immunization program. By 1984, serological testing for rubella may no longer be cost effective to warrant continuation of the program. Your Committee received assurance, however, that should rubella susceptibility still be high five years hence, health officials will recommend to the legislature at that time the continuation of the testing program.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1611 S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1611, S.D. 2, H.D. 1.

Signed by all members of the Committee.

SCRep. 926 Finance on S.B. No. 1483

The purpose of this bill is to pursue the goal established by the United States Department of Housing and Urban Development (HUD) that 25 per cent of the Hawaii Housing Authority's work force be comprised of persons residing in housing projects maintained or operated by the Authority.

Your Committee agrees that the intent of this bill can be followed more closely if the provision for the number of persons employed by the Authority under the tenant hire program is not more than twenty-six per cent. This would allow the Authority greater flexibility in meeting the goal of 25 per cent established by HUD.

Your Committee has amended this bill to correct drafting errors on page 5 (lines 1 to 3), page 6 (line 23), and page 7 (line 14).

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1483, 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. 1483, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 927 Finance on S.B. No. 77

The purpose of this bill is to authorize the department of agriculture to manage, operate, and coordinate the agricultural parks program and to establish a revolving fund for purposes directly related to the operation of the system.

Your Committee agrees that a clear delineation of authority and responsibility is necessary because of the current confusion over whether the department of land and natural resources has jurisdiction over state lands of which agricultural parks are a part.

In addition to providing the department of agriculture with necessary powers, this bill establishes a revolving fund to permit the department of agriculture to operate the agricultural parks system within its own revenue and expenditure constraints.

Your Committee does have some concern as to the viability of the revolving fund and its effectiveness in carrying out the purpose for which it is intended. Therefore, your Committee strongly recommends that the department of agriculture submit reports annually apprising the legislature of the status and utilization of the revolving fund.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 77, S.D. 3, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 928 Finance on S.B. No. 1540

The purpose of this bill is to require the Department of Health, when considering future purchases of equipment, to study possible cost savings of leasing equipment versus outright purchase of such equipment.

Your Committee agrees that the leasing option will enable the Department of Health to replace essential obsolete equipment which normally could not be done under outright

purchase due to lack of sufficient equipment funds. This results in cost saving and improvement in services.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1540, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 929

Finance on S.B. No. 1737

The purpose of this bill is to amend the Workers' Compensation Law to provide a means to settle disputes between employers or insurance carriers and employees on entitlement to temporary total disability benefits and to provide penalties when such benefits are unilaterally terminated without good reason.

Presently an employer or insurance carrier is required to pay temporary total disability benefits promptly as they accrue unless the right thereto is controverted by the employer or insurance carrier when it files its initial report. The present law, however, does not now provide adequate means to promptly determine an injured employee's right to temporary total disability compensation when there is an actual dispute on his continued right to such benefits. The law also fails to provide adequate penalties for a unilateral termination of the benefits without good reason.

This bill proposes to amend HRS Chapter 386 by providing a procedure which would enable an injured worker to have a prompt determination on his right to the benefits if he disagrees with the opinion of the employer or insurance carrier that his temporary total disability has ceased. It also provides penalties where none are now imposed for unilateral terminations of temporary total disability benefits without good reason.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1737, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 930

Finance on S.B. No. 1771

The purpose of this bill is to amend the definition of the term "developmental disabilities"; to change the name of the agency responsible for coordinating services to developmentally disabled persons from the State Planning and Advisory Council on Developmental Disabilities to the State Planning Council on Developmental Disabilities; to revise the makeup of the Council and requirements for membership on the Council; and to specify submission of the Council's annual report before the Legislature convenes.

This bill proposes to conform state law to changes in the federal Public Law 95-602. The definition of developmental disabilities, and the composition of the Council represent the new directions from the federal government.

Further amendments proposed by this bill clarify the role and function of the Council.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1771, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 931

Finance on S.B. No. 615

The purpose of this bill is to allow reemployment of pensioned patients at Kalaupapa Settlement without loss of their pensions or other benefits. Pursuant to Chapter 326, Hawaii Revised Statutes, the Department of Health may require Kalaupapa patients to perform a reasonable amount of labor or services. All such patient employees are eligible for retirement after twenty years of service and are entitled to a lifetime state pension. Present law, however, does not provide for the reemployment of these workers, and given Kalaupapa's isolation and limited population it is often difficult to fill patient employee positions once these individuals choose to retire.

Your Committee agrees that these vacancies can be filled by retired patients on a part-time basis. This bill therefore allows pensioned patients who reside at Kalaupapa Settlement to be reemployed at a maximum of nineteen hours per week without loss

of the state pension which was granted to them upon their initial retirement, and to fill only patient employee positions and not regular civil service ones.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 615, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 932

Finance on S.B. No. 87

The purpose of this bill is to provide for legislative review of executive rules and regulations in order to determine whether such rules or regulations violate the intent and purpose of the statutes under which they were promulgated.

The promulgation of unnecessary or poorly drafted rules and regulations create vast amounts of work which needlessly inconvenience whomever they affect. The intent of this bill is to allow the legislature to eliminate any contrary or unnecessary rules which violate the law under which they were adopted.

This bill further provides for the establishment of a uniform format and index for executive rules. This amendment should further serve to minimize unnecessary rules and also facilitate use and identification of such rules by state agencies and interested members of the public.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 87, S.D. 1, H.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 933

Finance on S.B. No. 1091

The purpose of this bill is to lapse certain capital improvement appropriations which are unencumbered or which have not yet been lapsed by law.

Your Committee finds that funds have been appropriated for capital improvement projects in prior acts of the legislature, but have not been expended due to changes in circumstances or the nonfeasibility of projects and for which there remain appropriations and appropriation balances which are unencumbered. The use of these appropriated funds is restricted and can only be expended for the projects for which they were authorized. Your Committee finds that certain of these funds can and should be released for other state needs. Furthermore, these appropriations, with their corresponding authorization to finance capital improvement projects through the issuance of bonds, constitute a potential additional debt service to be counted against the debt limit of the State.

The 1978 amendments to the State Constitution established lapsing provisions which would cause all general obligation bond appropriations which are unencumbered as of June 30, 1980 to lapse on that date. Your Committee finds that certain appropriations, however, can be lapsed before that date and these specific appropriations are set forth in this bill for that purpose.

Your Committee has amended this bill to delete from section 2, part of section 3, part of section 5 and section 6 certain items after a careful review with the department of land and natural resources, and the department of transportation. The sections of the bill are accordingly renumbered. Other items have been added after further review with the department of transportation to the renumbered sections 2 and 3. Your Committee also further amended the renumbered section 6 dealing with the Mass Transit System, Oahu.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1091, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1091, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 934

Consumer Protection and Commerce on S.B. No. 1438

The purpose of this bill is to allow industrial loan companies to charge loan applicants up to \$15 per applicant for required credit reports and other processing expenses.

Your Committee finds that credit report costs and processing expenses have usually been absorbed by industrial loan companies as a cost of doing business, while banks and savings and loans have been allowed to charge applicants up to \$35 for credit reports. This bill will allow industrial loan companies to charge applicants for those costs but only for those loans in excess of \$5,000 and provides that no portion of the charge shall inure to the benefit of the loan company.

Your Committee has amended this bill by making technical, non-substantive changes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1438, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1438, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia and D. Yamada.

SCRep. 935

Consumer Protection and Commerce on S.B. No. 1650

The purpose of this bill is to clarify the procedures in a merger or consolidation of corporations with respect to the distribution of the assets of a constituent corporation.

Your Committee finds that a recent State circuit court decision has questioned the propriety of the procedure currently used for the redistribution of assets in a merger of corporations. Present law provides for the distribution of cash, property or assets of constituent corporations. Past and present practice has interpreted the statute to include exchanges of said assets as well as shares of stock of corporate holdings between the constituent corporations. In light of the court's decision which in effect casts doubt on the well established procedures of corporate practice with regard to mergers, this bill seeks to codify and validate that procedure by providing expressly for the exchange of assets, including shares of stock of a constituent corporation's corporate assets.

While your Committee finds itself in agreement with the intent of the bill to clarify the procedures of corporate practice in relation to section 417-3, Hawaii Revised Statutes, it has also amended S.B. No. 1650, S.D. 1 to clearly provide that shares of stock of a corporation held as an asset by any constituent corporation can also be distributed or exchanged in a corporate merger.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1650, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1650, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia, Nakamura and D. Yamada.

SCRep. 936

Consumer Protection and Commerce on S.B. No. 1634

The purpose of this bill is to require that uncooked food offered for sale which has been previously frozen and thawed be conspicuously labeled as such.

Present law provides that previously frozen food products be so labeled. This bill would add a definition of thawed food and require that the label be displayed conspicuously. The bill further exempts foods processed by grinding or dehydration from the labeling requirement, and includes canned, pickled, and preserved foods, previously exempted.

While in agreement with the intent of the bill, your Committee has amended the definition of "thawed food" to mean those foods previously frozen throughout and subsequently thawed. This would effectively exempt those foods such as meats that are partially frozen to provide firmness for thin slicing and then immediately thawed.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1634, S.D. 2, as amended herein, and recommends that it

pass Second Reading in the form attached hereto as S.B. No. 1634, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia and D. Yamada.

SCRep. 937

Consumer Protection and Commerce on S.B. No. 1752

The purpose of this bill is to revise and clarify the educational and examination requirements which must be fulfilled prior to issuance of a certificate of certified public accountant (CPA).

Under present law, an applicant must obtain, as a prerequisite to sitting for the CPA exam, a baccalaureate degree from a college or university recognized by the board of accountancy and complete at least 30 semester hours of additional study at such a college or university. However, a person who is certified as a public accountant in another state or foreign country and who does not qualify for the education requirement exemption of section 466-5(c)(2), Hawaii Revised Statutes, will still be given credit for the examination successfully taken in that other state or country under section 466-5(g). That person then need only complete the 30 hour requirement at his or her leisure in order to obtain certification in this State.

In order to avoid the anomalous situation where a recent college or university graduate is not allowed to sit for the CPA exam until the 30 semester hour requirement is complete or nearly complete but another recent graduate may take the exam directly after graduation just by virtue of his or her taking it in another jurisdiction, this bill would modify section 466-5 to provide for a more equitable application of the admission to examination requirements. Your Committee finds that it is to the advantage of applicants to sit for the CPA exam as soon as possible after their undergraduate work because of the academic nature of the exam and in order to maximize the utility of their undergraduate course work.

Your Committee, however, feels that certain amendments are necessary to further implement the intent of the bill. Your Committee has therefore provided that applicants may sit for the exam up to 120 days prior to their graduation from an approved college or university. The 30 semester hour requirement must still be fulfilled but may be done within a time period established by the board. The examination waiver provision for out of state accountants will remain unchanged.

Your Committee feels that this bill as amended will provide equity among applicants by permitting all applicants to sit for the exam without completing the 30 hour requirement.

Your Committee has also made technical, non-substantive changes and has corrected inadvertent errors in the bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1752, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1752, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia and D. Yamada.

SCRep. 938

Consumer Protection and Commerce on S.B. No. 1439

The purpose of this bill is to allow industrial loan companies to charge up to 18 percent interest per annum on the unpaid principal loan balance after the maturity on a contract.

Under present law, there are no provisions which authorize an adjusted interest rate on a loan upon maturity of the contract. Industrial loan companies are therefore constrained by the interest rate prescribed by the contract even upon maturity.

Your Committee finds that allowing an 18 percent rate of interest on the unpaid balance of a loan upon maturity will offset the costs of collection which are currently being absorbed by industrial loan companies as a cost of doing business.

Your Committee has also incorporated S.B. No. 1440, S.D. 1 into this bill since both

would amend section 408-15, Hawaii Revised Statutes. The purpose of S.B. No. 1440, S.D. 1 is to allow industrial loan companies to assess and collect a late charge on a delinquent contractual installment upon written notice of the late charge.

Present law does not provide for the assessment of late charges on delinquent installment payments. This bill would allow industrial loan companies to charge up to 12 percent per year on delinquent installments computed from the due date or, in the case of alternative contracts under subsection 408-15(j), 5 percent of the installment or \$50, whichever is less.

Your Committee finds that this bill will clarify the language of section 408-15 to show that late charges are collection costs and not another form of interest. Your Committee does note that the late charge rate will remain unchanged at 12 percent per year.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1439, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1439, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia and D. Yamada.

SCRep. 939

Consumer Protection and Commerce on S.B. No. 697

The purpose of this bill is to provide that the repeal date for the Boxing Commission be extended from December 31, 1979 to December 31, 1985, under Chapter 26H, Hawaii Revised Statutes.

Your Committee is in agreement that extending the life of the Boxing Commission to regulate and oversee boxing activities is in the best interest of the consumer public and to other interested persons.

Your Committee has amended this bill by making technical, non-substantive changes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 697, as amended herein, and recommends that it pass Second Reading in the Form attached hereto as S.B. No. 697, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia and D. Yamada.

SCRep. 940

Consumer Protection and Commerce on S.B. No. 695

The purpose of this bill is to provide that the repeal date for the Elevator Mechanics Licensing Board be extended from December 31, 1979 to December 31, 1985, under Chapter 26H Hawaii Revised Statutes.

Your Committee is in agreement that the existence of the board is in the best interest of the general public and is necessary for the safety of the elevator mechanics themselves. Your Committee also agrees that the larger board will provide for greater opportunity for consumer input regarding action taken and policy decisions made by the board.

Your Committee hopes that the modifications will stimulate the board to greater efforts directed toward the effective regulation of the industry. Your Committee does note the relative inactivity in the past of the board in its regulation function and its own review. Your Committee has therefore amended the bill to extend its repeal date one year to provide for a more comprehensive review. Your Committee has also amended this bill by making technical, non-substantive changes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 695, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 695, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia and D. Yamada.

SCRep. 941 Consumer Protection and Commerce on S.B. No. 692

The purpose of this bill is to provide a new repeal date for the Board of Massage from December 31, 1979 to December 31, 1985, under Chapter 26H, Hawaii Revised Statutes.

Your Committee finds that the primary function of the board is to ensure that the public will be protected through effective regulation of the standards and competence of practicing masseurs and masseuses. Your Committee also finds that a legitimate and valuable health service is provided by therapeutic massage.

Your Committee, however, feels that the past performance of the board has shown it to be somewhat less than efficient in its regulation function. Your Committee does note that the composition of the board has been changed and has been assured that proper regulation of the profession will be provided in the future.

Accordingly, your Committee has shortened the extension of Chapter 452 to one year pending the performance of the board and has amended the bill to so provide. Your Committee has also amended this bill by making technical, non-substantive changes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 692, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 692, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia and D. Yamada.

SCRep. 942 Consumer Protection and Commerce on S.B. No. 691

The purpose of this bill is to provide that the repeal date for the Motor Vehicle Industry Licensing Board be extended from December 31, 1979 to December 31, 1985, under Chapter 26H, Hawaii Revised Statutes.

Your Committee finds that the licensing function of this board insures that licensees meet certain performance and financial requirements which are provided to minimize abuses in the industry. Your Committee feels that this screening function of the board as well as its safety and review functions serve a useful and beneficial purpose for the consumer public.

Your Committee has amended this bill by making technical, non-substantive changes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 691, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 691, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia and D. Yamada.

SCRep. 943 Consumer Protection and Commerce on S.B. No. 1315 (Majority)

The purpose of this bill is to permit the disclosure of information concerning a borrower's insurance policy, by a lender to third parties provided that the use of such information is for the purpose of monitoring the borrower's maintenance of the insurance.

Under present law, disclosure of such information cannot be made until the insurance policy lapses. This bill will permit lenders to disclose information to third parties relating to a borrower's insurance policy which is required by the loan agreement to secure the loan. The use of the information is restricted to monitoring the borrower's maintenance of the insurance.

Your Committee finds that it is necessary to monitor the borrower's maintenance of a securing insurance policy in order to avoid the situation where the policy is allowed to lapse and the loan is defaulted on by the borrower with insufficient collateral. Your Committee also finds that lenders who find it difficult and expensive to monitor each individual loan would like to delegate this function to a third party who will, in turn, inform the lender before a borrower's insurance policy lapses and said lender can make

the necessary insurance arrangements to adequately secure the loan.

Your Committee is therefore in agreement with the intent of the bill to protect both the borrower and the lender. Your Committee, however, is concerned that the disclosed information be used only for the purpose intended by this bill and not for uses which the Insurance Information Protection Act was enacted to protect against and therefore incorporates the penalty provisions of Chapter 431H, Hawaii Revised Statutes, for violations thereof.

Your Committee has amended this bill by making technical, nonsubstantive changes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1315, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1315, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia and D. Yamada.
(Representative Lee did not concur.)

SCRep. 944 Judiciary on S.B. No. 1539

The purpose of this bill is to clarify the operation of what is familiarly called the "Good Samaritan Law" which provides exceptions to liability for persons who in good faith render emergency care, without remuneration, to victims at the scene of an accident or emergency.

Your Committee finds that under present law, there appears to be some confusion as to whether physicians and life support personnel are intended to be included in the ambit of the protection against civil liability offered by the "Good Samaritan Law" to persons responding to emergency situations without expectation of remuneration.

Your Committee feels that this bill clarifies the present confusion by specifically including physicians and life support personnel under the blanket protection offered persons who unselfishly render assistance in the saving of lives in an emergency situation.

However, your Committee feels that the proposed subsection (c) to section 663-1.5 contained in this bill, providing for certain physicians to be excepted from civil liability, is unnecessary as they would be excepted in either subsection (a) or (b) of such section. Accordingly, your Committee has amended this bill to delete the proposed subsection (c).

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1539, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1539, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 945 Judiciary on S.B. No. 1238

The purpose of this bill is to improve the hearings procedure of the Medical Claim Conciliation Panel (MCCP), to exclude the insurance company representative from the list of persons mandated to attend a MCCP hearing, and to require notice to be given to all parties if a subpoena is used to require testimony of witnesses or the production of documentary evidence.

Your Committee finds that current law does not designate which party has the burden of going forward with evidence to substantiate its case. This has led to the untenable situation where parties appearing before the MCCP may both refuse to advance their cases, and the hearing becomes a travesty. This bill provides that the MCCP may designate the party that has the burden of going forward with the evidence, or, if the claimant has received medical and hospital records for review, it places the initial burden upon him.

Your Committee also finds that present law requires the insurance company representative to attend a MCCP hearing, notwithstanding the fact that experience has shown

that the representative is not really a necessary party for the purposes of the hearing. This bill eliminates the requirement that such representative attend the hearing.

Finally, your Committee finds that there is no present requirement that notice be given to all parties if a subpoena is used to require testimony of witnesses or the production of documentary evidence. By requiring such notice, this bill alleviates the present occasional practice of one party subpoenaing records without notice to the opposite party who may either be surprised at the introduction of the records or else be forced to go through the expense of subpoenaing the same records himself.

Your Committee has amended this bill to give the MCCP the right to designate who, among the parties appearing before it, has the burden of going forward with the evidence, notwithstanding the fact that medical and hospital records have been availed the claimant, in order to provide the MCCP the flexibility necessary to ensure fair and equitable resolutions of the issues before it.

In addition, your Committee has made non-substantive stylistic changes and corrected typographical errors.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1238, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1238, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 946 Judiciary on S.B. No. 1680

The purpose of this bill is to revise Chapter 843, Hawaii Revised Statutes, so as to (1) establish a privilege from civil liability for the Crime Commission and its staff for actions done or statements made in the course of their duties; (2) allow the Commission to manage reward money; and (3) enable it to obtain appropriate information from governmental agencies.

Your Committee is aware that a substantial part of obtaining information relating to crime requires thorough confidence in the source from which it is obtained, and that where such confidence is lost, a very important part or phase of the war against crime can suffer irreparable loss. It is also essential that where personal danger might be risked by the information source, the agencies associated with the contact should seek to maintain confidentiality.

However, this is a very delicate matter and one that is not easily treated by statute. It cannot be guaranteed that sensitive sources of information or any agency and its personnel providing information will be protected. The consequences of any confidential information leak can have tremendous negative results on these persons or agencies that originally transmitted such information. Thus, your Committee has amended this bill by deleting the subsection which requires state and county governments to cooperate with and provide information to the Crime Commission.

Further, your Committee believes that the Crime Commission chairman, members and staff should not be granted immunity from civil liability for actions done or statements made in the performance of their duties and has amended this measure to conform to this belief.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1680, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1680, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 947 Judiciary on S.B. No. 50

The purpose of this bill is to implement certain amendments to Articles VI and XVIII of the Hawaii Constitution effected by the Constitutional Convention of 1978.

While Article XVIII (Schedule) relates in part to transitional provisions and the effective

date of the amendments to Article VI (Judiciary), the applicable amendment to Article VI, Section 5, provides in pertinent part:

"The supreme court shall have the power to reprimand, discipline, suspend with or without salary, retire or remove from office any justice or judge for misconduct or disability, as provided by rules adopted by the supreme court."

Your Committee finds that S.B. No. 50, S.D. 1, effectively implements the above-quoted amendment.

Your Committee has amended this bill, at Section 2, p. 1, lines 7-8, so as to comply with technical requirements of the Ramseyer format relating in the main to the double underscoring of words and punctuation marks added to a section caption.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 50, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 50, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 948

Judiciary on S.B. No. 670

The purpose of this bill is to exempt the State and counties from the requirement of holding a public hearing prior to the adoption, amendment, or repeal of rules pursuant to section 91-3, Hawaii Revised Statutes, in cases where the adoption, amendment, or repeal of a rule is required by the Federal government as a condition of Federal funding and no discretion is allowed as to the substance of the rules required.

Your Committee finds that under this bill, the Governor or a mayor may waive the requirement of holding a public hearing under section 91-3 for a State or county agency respectively, if the change in rules is one that is required by the Federal government for funding and is not subject to change as a result of a public hearing. However, notice by publication is required prior to the waiver by the Governor or a mayor.

Your Committee finds that where an agency has no discretion in interpreting the Federal requirements and compliance is required for continued Federal funding, the time-consuming and costly public hearing is an unnecessary burden to place upon a State or county agency and serves no useful purpose.

However, your Committee has amended this bill in order to make clear that before the public hearing can be waived, the agency involved must have no discretion in interpreting the Federal provisions necessitating the changes in the rules.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 670, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 670, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Garcia.

SCRep. 949

Judiciary on S.B. No. 42

The purpose of this bill is to conform the Hawaii Revised Statutes to certain changes to Article XIV of the Hawaii State Constitution effected by the Constitutional Convention of 1978.

Your Committee, upon analysis of Article XIV, notes that it:

- (1) prohibits members of the State Ethics Commission from actively participating in political management or campaigns;
- (2) requires the selection of its members "in a manner which assures their independence and impartiality"; and
- (3) requires that "gifts, confidential information, use of position, contracts and government agencies, postemployment, financial disclosures and lobbyist registration and restrictions" be provided for in a Code of Ethics.

Your Committee finds that S.B. No. 42, S.D. 1, accomplishes the foregoing in the following manner:

(1) Prohibition of commission members from political management and campaigns. This is accomplished by addition of a new statutory section to Part IV of Chapter 84 conforming to the identical language of Article XVI.

(2) Selection and removal of commission members. Your Committee has reviewed the proceedings of the Constitutional Convention for informational purposes and finds nothing to suggest the need to change the selection process provided by section 84-21.

To briefly review the selection process provided by present law, vacancies in the State Ethics Commission are filled by the Governor, but only from a panel of two persons nominated by the Judicial Council; a commission member may serve only two four-year terms, and may be removed by the Governor only upon the filing of a written finding.

Your Committee is mindful of the very comprehensive consideration accorded by the 1972 Legislature in fashioning such restrictions for selection and removal of State Ethics Commission members. Upon our consideration, we find wisdom in requiring the participation of the Executive and Judiciary branches in a form of "check and balance" in the selection process. Noting that the ultimate authority for selection must rest somewhere, we find the present process to place such authority reasonably remote from the political arena. Finally, we expect the requirement with regard to the written findings will provide full public scrutiny and thereby prevent political intrusion.

As such, your Committee concludes that the process of selection and removal presently provided by section 84-21 best assures the independence and impartiality of the State Ethics Commission. We wholeheartedly endorse the Constitutional Convention's concern that independence and impartiality of any ethics commission must be the primary base from which it must initiate its function.

(3) Provisions pertaining to various items other than financial disclosure and lobbyist registration and restrictions. Your Committee has examined present law with regard to each item expressly required to be included in the Code of Ethics as set out in Article XIV. We find that such items are comprehensively covered in the respective statutory sections:

- (a) Gifts -- section 84-11;
- (b) Confidential information -- section 84-12;
- (c) Use of position (fair treatment) -- sections 84-13 and 84-14;
- (d) Contracts with governmental agencies -- sections 84-15 and 84-16; and
- (e) Post-employment (restrictions) -- section 84-18.

(4) Financial disclosures. Article XIV provides that financial disclosure provisions shall require: (a) public financial disclosures by all elected officers, candidates for elective office and appointed officers and employees; (b) confidential disclosures by other public officials having significant discretionary or fiscal powers; and (c) that all disclosure statements shall include among other things "sources and amounts of income, business ownership, officer and director positions, ownership of real property, debts, creditor interests in insolvent businesses and the names of persons represented before government agencies."

Your Committee has reviewed section 84-17 and has amended the same to conform to Article XIV. Contrasted against the present law, S.B. No. 42, S.D. 1, now provides for the application of "public" and "confidential" disclosures as differentially mandated by Article XIV. We also find that the present law already provides for the inclusion of all items required in disclosure statements by the Constitutional Convention.

(5) Lobbyist registration and restriction. Your Committee has responded to the mandate in Article XIV that requires inclusion of the subject matters of lobbyist registration and restriction among those to be administered by the State Ethics Commission. S.B. No. 42, S.D. 1, accomplishes this by transferring the lobbyist registration function placed with the Office of the Legislative Auditor under present law to the State Ethics Commission.

Your Committee has been informed that possibly an inordinate number of registrations may have been obtained under Chapter 97 governing lobbyists, and the reason for this may be the very broad definition of "lobbying" expressed in section 97-1(7). Concern has been expressed as to whether the heavy registration was necessary in the public interest, or whether it reflects overbreadth of its real and intended purpose.

While your Committee has not attempted to resolve this particular problem, it is your Committee's understanding that the Executive Director of the State Ethics Commission has been asked to investigate the situation in the course of such registration function being transferred to the Commission.

(6) Administration of the Code of Ethics adopted by the Constitutional Convention. Article XIV provides that the State Ethics Commission shall administer the Code of Ethics adopted by the Constitutional Convention. Your Committee finds that S.B. No. 42, S.D. 1, has accommodated the same by effectuating appropriate changes to various sections of Chapter 84.

Your Committee endorses the concern and efforts of the Constitutional Convention to strengthen, broaden and promote the observance of ethics in Hawaii's government. Keeping with that concern, we would remind all persons that these provisions governing Code of Ethics shall be liberally interpreted to foster adherence in preservation of public confidence in the integrity of our governmental process. We would urge that all persons connected with Hawaii's governmental process should strenuously strive to observe the spirit as well as the letter of these laws, and thereby affirmatively contribute to Hawaii's posterity.

Your Committee has made several technical amendments which do not affect the substance of this bill.

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

Signed by all members of the Committee.

SCRep. 950 Judiciary on S.B. No. 1727

The purpose of this bill is to make assaults against a correctional officer or fireman while engaged in duty a class C felony, provided the violator knows that the person he commits the assault against is a correctional officer or fireman.

Your Committee feels that such legislation is necessary to deter the rising number of assaults committed against correctional officers each year. However, inasmuch as such assaults against firemen while in the performance of their duties is minimal and the penalty for a class C felony is relatively severe, your Committee has amended the bill to exclude firemen.

Your Committee has made technical amendments without affecting the substance of the bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1727, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1727, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 951 Judiciary on S.B. No. 15

The purpose of this bill is to amend Chapter 25, Hawaii Revised Statutes, to conform to amendments to the Hawaii State Constitution relating to Congressional and legislative reapportionment.

Under the provisions of this bill, the duties of the Reapportionment Commission have been expanded to include the redrawing of district lines for the districts from which Hawaii's representatives to the United States House of Representatives are to be elected. For purposes of clarity, your Committee has amended the bill by providing for these

additional duties under a new subsection of Section 25-2, relating to the duties of the Commission, rather than incorporating them into the provisions for legislative reapportionment. Additional amendments to Section 25-2 further clarify the Commission's duties by (1) requiring the Commission to determine the total number of Congressional members to which the State is entitled and to apportion such members among single member districts; and by (2) establishing criteria for effecting Congressional reapportionment and districting which were not provided for by constitutional amendment.

The bill further amends Chapter 25 by increasing the time frame within which the Commission must file the final reapportionment plans from 120 days from the date on which all members of the Commission have been certified to 150 days from the date of certification. Accordingly, the bill also extended the timetable for initial publication of proposed legislative and Congressional reapportionment plans from not more than sixty days from the date on which Commission members have been certified to not more than ninety days from the date of certification.

Your Committee has amended this provision by requiring initial publication of proposed plans not more than eighty days from the date on which Commission members are certified, in order to allow the Commission more time in which to conduct public hearings on the plans and to make any necessary corrections or modifications. Moreover, the provision requiring the Commission to hold public hearings within forty days after initial publication of the proposed reapportionment plans has been amended. Your Committee believes that the imposition of too stringent a time frame on the Commission would hinder rather than facilitate its work and has eliminated any time stipulations with regard to holding the required public hearings. A further amendment to this bill eliminates reference to the filing of final legislative or Congressional reapportionment plans "within twenty days after the last of such public hearings" and provides instead for the filing of final plans "after the last of such public hearings, but in no event later than 150 days from the date on which all members of the Commission are certified". These amendments were made pursuant to the recommendations of the 1973 Reapportionment Commission which are contained in its final report dated July 16, 1973.

Additional amendments to S.B. No. 15, S.D. 1 were made as follows:

(1) Section 2 of the bill has been amended to redesignate the "legislative reapportionment commission" as the "reapportionment commission" in order to be consistent with its expanded responsibilities.

(2) Section 4 of the bill which added a new section under Chapter 25 to provide for the placement of holdover senators and the retention of staggered senatorial terms, has been eliminated. The provisions of that section are already contained in Article IV of the Constitution and are unnecessarily redundant.

(3) A new section has been added and designated as Section 5 of the bill. This section provides for the amendment of subsection (c) of Section 11-2 to reflect the placement of reapportionment commission provisions under Article IV of the Constitution.

Your Committee has also made other amendments for purposes of style and to correct typographical errors which do not affect the substance of this bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 15, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 15, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 952

Judiciary on S.B. No. 919

The purpose of this bill is to allow the Criminal Injuries Compensation Commission (CICC) to prepare and submit its annual report and budgeting bill without listing the names of applicants for awards, except when such applicants are attorneys or health care providers.

Under present law, the CICC includes the names of all applicants for awards in its annual report. This bill would require the CICC only to include the names of attorneys and health care providers who are applicants for awards.

Your Committee feels that the mere possibility of being subjected to the publicity

involved in the listing of one's names could deter a victim from seeking rightful compensation for a criminal injury. This is particularly true of a victim who may have been subjected to a very shameful ordeal, or one who may be of a timid nature. Moreover, it was never the intent of the legislature that criminal compensation would result in an additional ordeal for a victim of crime or to expose such victim to unnecessary publicity.

However, your Committee sees no reason why the names of all applicants should not be eliminated. Accordingly, your Committee has amended this bill to effectuate this view. In addition, your Committee has added the provision that the names of all applicants be made available by the CICC upon request.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 919, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 919, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 953

Judiciary on S.B. No. 393

The purpose of this bill is to provide for uniform treatment of misdemeanor and felony offenders in obtaining expungement orders after obtaining dismissals of charges in deferred acceptance of guilty pleas (DAGP) cases.

Under the present wording of subsection (e), section 853-1, Hawaii Revised Statutes, a misdemeanor offender is treated less favorably than a felony offender in the relief he may obtain on dismissal of charges in a DAGP case. This results from the present language requiring retention of the misdemeanor records at the County Police Department. Accordingly, the misdemeanant cannot obtain records where entitled under section 831-3.2, Hawaii Revised Statutes, because the records are not forwarded to the Attorney General as would be the case with a similarly situated felon.

Your Committee finds that this bill would eliminate the present illogical distinction and bring DAGP dismissal cases into conformity with the relief given all other nonconviction cases under section 831-3.2, Hawaii Revised Statutes.

Your Committee also finds that the bill provides for retroactive relief for those DAGP misdemeanor cases granted expungement orders under the present wording of subsection (e). Pursuant to section 3 of the bill, records in those cases must be transmitted to the Attorney General. The Attorney General will, on receipt of the records, return all fingerprints and photographs to entitled persons granted expungement orders.

Finally, your Committee finds that while the bill allows an application for expungement to be made immediately upon the discharge of the defendant, his records may not be expunged for one year following such discharge. Your Committee has amended the bill for the purpose of clarifying this particular provision.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 393, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 393, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Garcia.

SCRep. 954

Judiciary on S.B. No. 9

The purpose of this bill is to conform the Hawaii Revised Statutes to the Constitutional Amendment to Article II of the State Constitution relating to registration of voters and voting.

This bill makes numerous housekeeping and other changes to Chapters 11, 12 and 16 of the Hawaii Revised Statutes to effectuate the constitutional mandate that no person be required to declare a party preference or non-partisanship as a condition of voting in any primary or special primary election.

Pursuant to the Committee of the Whole Report No. 16 of the 1978 Constitutional Convention, the bill provides for an open primary election system wherein voters are still required to vote only for the candidates of one political party or nonpartisan. It also provides

that any ballot marked for candidates of more than one party or for candidates of one party and nonpartisan, will not be counted.

Under the provisions of S.B. No. 9, S.D. 1, the Chief Election Officer is permitted the discretion of determining the primary election ballot format, i.e., whether such ballot is to consist of separate ballots for each party, or one ballot listing two or more party's candidates on a single ballot card. Your Committee finds that the listing of two or more party's candidates on a single ballot card may increase the likelihood of voting across party lines and result in a greater number of spoiled ballots. Accordingly, your Committee has amended this bill to specify that there shall be a separate ballot for each party and a separate ballot containing the names of all nonpartisan candidates.

Your Committee has also made other substantive amendments to the bill as follows:

(1) Section 2 of the bill which provided for an amendment to subsection (c) of Section 11-2 has been deleted. The title of the bill, which restricts its provisions to only those which will implement Article II, Section 4 of the Constitution, precludes the inclusion of this amendment to the statutes. The provisions of this section, which conformed Section 11-2 to reflect the placement of reapportionment commission provisions under Article IV of the Constitution, have been included in amendments to S.B. No. 15, S.D. 1, relating to reapportionment.

(2) Section 12 of the bill which amended Section 16-42, Electronic voting requirements, has also been deleted. The amendment to Section 16-42 deleted the provision requiring tabulation of votes only for candidates of one party or nonpartisan candidates at a primary or special primary election. Such amendment is inconsistent with the intent of this bill which requires voting only for candidates of one party or nonpartisan candidates at a primary or special primary election.

Your Committee has also made other amendments to the bill for purposes of style and to correct typographical errors found in the bill, which do not affect its substance.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 9, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 9, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Garcia.

SCRep. 955

Public Assistance and Human Services and Judiciary on
S.B. No. 666

The purpose of this bill is to establish a statutory basis for the recovery of overpayments made to public assistance recipients.

Your Committees find that present statutory authority to recover overpayments is unclear, except where the overpaid recipient is convicted of fraud and restitution is ordered by the courts, and this lack of clear statutory authority to enforce recovery of overpayments results in a considerable loss of public assistance dollars. This bill would make any overpayment of public assistance funds a debt due and owing to the Department of Social Services and Housing by the recipient of such overpayment.

Your Committees have amended this bill by providing that the recovery of all overpayments will be made to the "extent allowable by federal regulations", instead of to the "maximum extent practicable" to ensure that there is no conflict created with applicable federal regulations.

Your Committees find that S.B. No. 666, S.D. 2, as amended, provides the statutory authority for the Department of Social Services and Housing to recover all overpayments to the extent allowed by federal regulations, and allows such department to waive recovery of overpayments in cases of hardship or where the costs of recovery exceed the anticipated amount of collection.

Your Committees on Public Assistance and Human Services and Judiciary are in accord with the intent and purpose of S.B. No. 666, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 666, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 956 Transportation on S.B. No. 1760

The purpose of this bill is to broaden the law enforcement authority of the Director of Transportation and officers employed by the Department of Transportation to the standard required by the Federal Aviation Administration.

The power to arrest under Section 261-17, Hawaii Revised Statutes (HRS) pertains only to violations of aeronautics law and is therefore inadequate to meet the requirements of Federal Aviation Regulations (FAR) Section 107.17 (b) which also calls for the enforcement of criminal laws of the State and/or Counties. The Department of Transportation can meet the requirement of the FAR by having Chapter 261, HRS amended to include similar enforcement as of FAR Section 107.17.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 1760 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 957 Transportation on S.B. No. 683

The purpose of this bill is to update portions of Section 266-7, HRS, which no longer serve a useful purpose and conflict with other statutes relating to the duties of the Department of Transportation (DOT).

Section 91-5 (Hawaii Administrative Procedure Act) enacted in 1961 provides guidance to all agencies concerning compiling, publishing and distributing rules and regulations. In the interest of promoting uniformity among agencies, the material in Section 266-7 relating to rules and regulations and the free distribution thereof to agents, masters or owners of vessels or other persons who request the same, should be repealed since Section 91-5 provides for the payment of costs of publication and mailing.

Your Committee notes that according to the DOT, public relations problems have developed because of the conflicting provisions of Section 266-7 with other statutes.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 683 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 958 Consumer Protection and Commerce on S.B. No. 870

The purpose of this bill is to strengthen and improve Hawaii's Water Carrier Law, Chapter 271G, Hawaii Revised Statutes.

This bill would modify existing procedures and provisions of the Water Carrier Law. While your Committee is in agreement with the intent of this bill, it has made extensive changes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 870, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 870, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia, Masutani, Nakamura and D. Yamada.

SCRep. 959 Consumer Protection and Commerce on S.B. No. 1753

The purpose of this bill is to provide for civil penalties to be assessed against motor carriers that do not comply with the rules and regulations of the Public Utilities Commission relating to the filing of financial reports.

Under present law, the fine is \$100 for any violation of Chapter 271 and \$50 for each day the violation continues. Your Committee finds from the testimony presented that this method of assessing penalties causes the amount of certain fines to become so substan-

tial that to assess it fully would bankrupt the motor carrier and therefore acts as a negative motivation on the industry and smaller carriers in particular.

This bill would set the fine of a motor carrier who fails to file timely financial reports at one-sixteenth of one percent of the gross revenues from the motor carrier's business during the preceding calendar year for each month or fraction thereof the carrier remains in violation, but in no event less than \$50. Your Committee feels that this schedule of fines will prove to be more equitable in its application to both large and small carriers and will provide the necessary deterrent to non-compliance by motor carriers.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1753, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1753, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia and D. Yamada.

SCRep. 960 Agriculture and Finance on S.B. No. 1657

The purpose of this bill is to prevent the abandonment of sugarcane farms and to assist certain independent sugar growers in dire need because their costs of production continue to exceed their returns.

This Act amends Act 19, Special Session Laws of Hawaii 1977 to extend coverage to larger farms by eliminating the 3,000-ton limitation and extending the time for loans for 36 months after July 1, 1979.

Your Committees find that an emergency situation continues to exist on the island of Hawaii and the financial assistance to certain sugar growers on that island is justified to prevent the abandonment of sugarcane farms that are most vital to the economy of that island and ultimately to the economic well-being of the State. Since the termination of the United States Sugar Act in 1974, virtually all sugarcane producers in Hawaii and in the continental United States have sustained continuing financial setbacks. The sugar industry, however, remains important to the economy of the State and your Committees find that support of the industry is most essential and therefore your Committees approve the intent and purpose of this bill.

Your Committees have amended this bill after due consideration of testimony and recommendations on this sugar industry problem, and the amendments are as follows:

1. The term "deficit" is expanded by adding language to the sentence ending on line 8, page 3.
2. The first sentence of the new section 3.7 is revised to change the appropriation to \$3,200,000 subject to the proviso that no less than \$1,200,000 shall be loaned to growers whose sugar production is less than 4,000 tons per year and that no more than \$2,000,000 shall be loaned to growers whose sugar production exceeds 4,000 tons per year.

Your Committees on Agriculture and Finance are in accord with the intent and purpose of S.B. No. 1657, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1657, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Garcia.

SCRep. 961 Judiciary on S.B. No. 168

The purpose of this bill is to provide the statutory framework for grand jury proceedings, setting forth the essential rights of witnesses and potential defendants and providing for certain procedures to be implemented.

Your Committee finds that this bill requires the prosecutor to present evidence, both favorable and unfavorable to the defendant, to the grand jury, defines the rights of witnesses and potential defendants, provides for a grand jury counsel to advise such jury, and makes any indictment based upon a grand jury proceeding in which a violation has occurred, subject to dismissal.

Your Committee feels, however, that requiring the State to either comply with all the provisions of this bill or face dismissal of an indictment would in effect turn a grand jury proceeding into a very lengthy, expensive and unnecessary trial-like proceeding, being fully aware that the grand jury is merely an accusatory body which does not determine one's guilt or innocence in a criminal case, but merely decides whether or not there is probable cause to warrant a criminal case coming before a trial jury where the accused is given an opportunity to explain and present his side of the case. In addition, following indictment and prior to, during, and after any criminal trial, a defendant is afforded and given an opportunity to exercise all the rights guaranteed by the Constitutions of the State and the United States.

More specifically, your Committee feels that subsection (1) of the proposed new section to be added to Chapter 806 of the Hawaii Revised Statutes which prohibits a prosecuting attorney from presenting any evidence which has been obtained in violation of the State or the United States Constitutions, but which would be inadmissible at trial, runs contrary to an overwhelming body of case law which has not imposed such an onerous requirement on prosecuting attorneys. Historically, this is an inquiry which has been left to the courts and often becomes the subject of a great deal of dispute. This requirement presents a prosecuting attorney with the problem of excluding evidence at a grand jury proceeding which actually might be held to be constitutionally obtained or admissible at a trial. Your Committee believes this would not serve the best interest of justice.

With respect to subsection (2) which requires the prosecutor to present any evidence in his possession favorable to the innocence of the potential defendant or person under investigation by the grand jury, your Committee finds that this provision is not consistent with a recent decision of the Hawaii Supreme Court which held that the prosecution is not required to present exculpatory evidence to the grand jury unless that evidence is clearly exculpatory.

In its written opinion, the Supreme Court of Hawaii noted that the grand jury's responsibility included both the determination of whether there is probable cause to believe that a crime has been committed and the protection of citizens against unfounded criminal prosecution. The Supreme Court stated, however, that the fulfillment of these responsibilities does not require that the grand jury have before it any and all evidence which might tend to exculpate a defendant.

The Supreme Court also noted that a grand jury proceeding is not an adversary hearing in which the guilt or innocence of the accused is adjudicated. Rather, it is an ex parte investigation to determine whether a crime has been committed and whether criminal proceedings should be instituted against a person. The court observed that to require the prosecutor to present any and all information which may have a tendency to exculpate the accused would impose upon the grand jury proceedings the adversary nature which is more properly reserved for the actual trial phase of prosecution. The Supreme Court went on to state that it did not think that to require all exculpatory evidence to be presented to the grand jury is, on balance, a requirement that would be of great benefit.

With respect to subsection (3) which requires that each witness be informed by the prosecutor of the subject matter under investigation by the grand jury, your Committee finds that this requirement would seriously jeopardize the secrecy of any grand jury indictment and be harmful to the reputation of any person not indicted by the grand jury, but who was nevertheless under investigation. In addition, this provision could jeopardize the safety of various grand jury witnesses and gravely hamper lengthy and complicated grand jury proceedings.

With respect to subsection (4) which allows the release of grand jury testimony prior to the return of an indictment or the arrest of a person indicted by a grand jury, your Committee feels that in most cases it would be an unnecessary provision inasmuch as Rule 6(e)(2) of the Hawaii Rules of Penal Procedure already provides that after an indictment is returned against a defendant, the defendant shall, on motion to the court and subject to payment therefor, have the right to a transcript of that portion of the grand jury proceeding which relate to the offense charged in the indictment.

Further, your Committee finds that subsection (5) concerning the warning of potential defendants or persons under investigation of their constitutional rights is a matter that has already been reviewed by appellate courts throughout the United States and, as a result, prosecutors are guided by and must follow these court decisions.

In summary, your Committee finds that this proposal implements burdensome and unnecessary restrictions upon grand jury proceedings and provides the potential for the dismissal of almost every indictment obtained in good faith by the prosecution. Therefore, your Committee has amended this bill by deleting subsections 1 through

5 respectively.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 168, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 168, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 962 Judiciary on S.B. No. 45

The purpose of this bill is to conform the Hawaii Revised Statutes to certain changes to the Hawaii State Constitution effected by the Constitutional Convention of 1978. The specific language of Article XV, Section 4 to which such conformance is addressed by this bill reads as follows:

"Section 4. English and Hawaiian shall be the official languages of Hawaii, except that Hawaiian shall be required for public acts and transactions only as provided by law."

Your Committee finds that the Constitutional Convention, by Article XV, Section 4, acted in recognition of "the rich . . . cultural inheritance that Hawaiians have given to all ethnic groups of this State" (Constitutional Convention Standing Committee Report No. 57), and that the beauty of the Hawaiian language is an important part of that heritage.

Your Committee also finds, however, that the proviso that Hawaiian "be required for public acts and transactions only as provided by law" reflects the concern that practical problems would arise if public activity and transactions could not be conducted without its use.

Your Committee has amended the bill to correct a typographical error found on page 1, line 11.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 45, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 45, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 963 Judiciary on S.B. No. 664

The purpose of this bill is to provide mandatory wage assignment upon a showing that a parent who had been ordered to pay child support is in arrears in the previous 24 months in an amount equal to three months' payments.

Under present law, the assignment of wages in child support cases may only be made upon a finding by the court that the person previously ordered to pay support is now in contempt. It means that the individual would have a criminal charge on his record if he was found in contempt. This bill would require the court to order an assignment of future wages if it found certain conditions to exist, thereby eliminating the necessity that the court first find the person in contempt.

Your Committee feels that the finding of contempt is unnecessary and should not be a prerequisite to effecting child support by assignment in all cases. However, your Committee feels that the court should retain the discretion, on a case-by-case basis, whether or not to order the assignment of wages. Accordingly, your Committee has amended this bill by replacing the word "shall" on line 16 of page 3 with the word "may".

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 664, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 664, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 964

Judiciary on S.B. No. 1682

The purpose of this bill is to deter illegal gambling by providing for the forfeiture of property used in illegal gambling.

Under present law, gambling devices, records, and proceeds possessed in violation of gambling statutes, Part III, Hawaii Penal Code, may be forfeited to the State. This bill would expand what could be forfeited to include property used in illegal gambling, including fighting animals, birds, vehicles, aircraft and other personal property. Further, the bill deletes the requirement that forfeiture proceed according to section 701-119 of the Hawaii Revised Statutes.

Your Committee finds that forfeiture is designed to deter crime by making it unprofitable. When valuable property, such as an automobile or a boat may be forfeited to the State because they are used in illegal gambling activities, the deterrent effect is obvious inasmuch as such activities are undertaken for economic gain.

Your Committee feels, however, that the provision of the present law that the forfeiture be subject to section 701-119 relating to the procedure to be used in forfeiture should be retained in order that the lack of complicity on the part of the owner of the property to be forfeited would enable him to prevent the forfeiture. Your Committee believes that this is a fairer and more logical approach to deterring illegal gambling than depriving a person of his property merely because he allowed it to be used in an illegal manner, as the bill presently provides.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1682, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1682, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 965

Judiciary on S.B. No. 1282

The purpose of this bill is to make the penalties for falsely obtaining unemployment compensation benefits consistent with the penalties for theft under the Hawaii Penal Code.

Under present law, a person who makes false statements in order to obtain unemployment compensation benefits is fined a minimum of \$20, but not more than \$200, or may be imprisoned not more than 30 days. This bill would make the falsely obtaining of benefits of less than \$200, a misdemeanor, and of \$200 or more, a class-C felony.

Your Committee finds that given the present minor penalties, the large amounts of benefits that may be falsely obtained, and the fact that such means of obtaining benefits is tantamount to theft, your Committee feels that the provision of this bill is desirable and essential, the penalties for a misdemeanor being \$1000 or one year imprisonment and for a class C felony being \$5000 or five year imprisonment.

Your Committee has amended the bill by making a minor stylistic change without affecting its substantive content.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1282, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1282, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 966

Judiciary on S.B. No. 1043

The purpose of this bill is to more clearly define a trial judge's discretion in awarding interest in civil cases.

Your Committee understands that at the present time interest is generally awarded commencing on the day the judgment is rendered. Where the issuance of a judgment is greatly delayed for any reason, such a fixed commencement date can result in substantial injustice. Allowing the trial judge to designate the commencement date will permit

more equitable results. In addition, it is expected that party litigants will give serious regard to this discretion on the part of the trial judge, making those who may have had an unfair advantage by the arbitrariness of the prior rule, arrive at the realization that recalcitrance or unwarranted delays in cases which should be more speedily resolved will not enhance their position or assure them of a favorable award.

Your Committee feels, however, that allowing the trial judge to set the rate of interest may result in just the opposite effect, to wit, substantial injustice, because it makes the rate of interest too speculative, inasmuch as the rate to which a particular judge is predisposed would vary with the judge. Moreover, your Committee finds that since section 478-2 of the H.R.S. establishes the rate of interest to be allowed on any judgment recovered in a State court, a conflict would arise should this bill become law in its present form. Accordingly, your Committee has amended this bill to reflect these concerns by deleting that part thereof which would allow a trial judge to set the rate of interest.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1043, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1043, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 967

Judiciary on S.B. No. 1703

The purpose of this bill is to propose an amendment to the Constitution specifying procedures for the submission of constitutional revisions or amendments to the public for voter ratification.

Your Committee is in agreement with the intent of this bill which stresses the importance of public education on the pros and cons of each proposed amendment prior to election day, provides for the availability of the full text of each amendment at the polls, and requires the submission of each amendment as a separate subject on a ballot allowing a "YES" or "NO" vote on each amendment.

Your Committee has amended this bill in order to clarify the format in which amendments are submitted to the electorate. As amended, this bill provides that each constitutional revision or amendment shall be submitted in the form of a question embracing but one subject, and that each question shall have designated spaces to mark FOR or AGAINST the amendment.

Your Committee has also broadened the provision for public education prior to election day by specifying that the convention shall provide for a program of voter education which may include but not be limited to an informational booklet discussing the pros and cons of each amendment. The delegation of responsibility for actual preparation and distribution of such a booklet, as well as implementation of a voter education program is left to the discretion of the convention.

Your Committee has also broadened the provision which requires that at least thirty days prior to the election, each public library and an appropriate official in each county shall be provided with the full text of the proposed amendments and shall make them available for public inspection. As amended, the bill specifies that at least thirty days prior to the election, the convention shall make available the full text of the amendments for public inspection, but leaves the manner in which the texts are distributed to the discretion of the convention.

It should be noted that the underscored material found on page four, lines 1 to 10 of the bill, is not new material but merely present Constitutional language which your Committee, being of the opinion that such material would be clearer if set forth in a separate paragraph, deleted and then reintroduced verbatim as new material, pursuant to the Ramseyer method.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1703, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1703, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 968

Consumer Protection and Commerce on S.B. No. 1492

The purpose of this bill is to modernize the Standard Valuation Law and the Standard Nonforfeiture Law for life insurance and annuities. These amendments have been adopted by the National Association of Insurance Commissioners for nationwide enactment and to date twenty-five states have enacted this model law and a concerted effort is being made for the remaining states to enact it during the present year. The Department of Regulatory Agencies and representatives of the life insurance industry testified in support of the bill.

Your Committee was informed by The Department of Regulatory Agencies that this bill will have the following desirable results:

1. Permit life insurance to be sold to females with a six year setback, that is at the same rates for a male six years younger than the actual age of the female. The present law only permits a setback of three years.
2. Increase the arbitrarily established maximum interest rate which may be used to calculate the minimum reserves required by law to be maintained by life insurance. The interest rates are varied according to the term of the investment risk associated with the type of life insurance or annuity product involved.
3. Increase the established maximum interest rate which can be used to calculate minimum nonforfeiture values which are guaranteed in life insurance policies.
4. Require individual deferred annuity contracts to certain minimum nonforfeiture benefits and that reserves be maintained to guarantee payment of these benefits as well as establishing the method for determining and valuing these reserves.

These changes will apply only to policies issued after the effective date of the Act. The changes described in sections 1, 2 and 3 will result in lower premiums being charged to future policy purchasers.

The changes described in section 4 will fill a need in our law in that many companies voluntarily provide nonforfeiture benefits in deferred annuity contracts, and others do not. This bill will require that all companies provide certain minimum nonforfeiture benefits to an individual who discontinues paying premiums comparable to the nonforfeiture benefits provided in life insurance policies.

Your Committee has made technical, non-substantive changes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1492, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1492, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia, Masutani, D. Yamada, Ikeda and Medeiros.

SCRep. 969

Consumer Protection and Commerce on S.B. No. 1516

The purpose of this bill is to provide for the regulation of the operation, marketing, and role of time sharing programs in Hawaii.

This bill would provide for regulation of the time sharing industry by: (1) requiring approval of 75 percent of the owner-occupants of an existing condominium for the sale of one of the building's units under a time sharing plan; and (2) restricting sales of units pursuant to a time sharing program to buildings located in an area zoned hotel/resort.

While in agreement with the underlying premise of the bill that the practice of time sharing needs to be closely regulated, your Committee feels that the concept, potential effects and benefits, and the possible regulatory programs need and deserve further study. Your Committee has therefore amended this bill to provide for the prohibition on the future sale of time share units and the establishment of time share organizations in the belief that the practice and use of time sharing will proliferate in the interim to proportions that will create irreversible problems in the state's housing situation and economy. Your Committee does note that the amendment does not affect the alienability of those time share units already in existence.

Your Committee feels that, based upon present circumstances, this bill will serve

to protect the interests of the majority of those directly and indirectly affected by time sharing.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1516, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1516, S.D. 1, H.D. 1 and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia, Masutani, D. Yamada, Ikeda and Medeiros.

SCRep. 970 Consumer Protection and Commerce on S.B. No. 86

The purpose of this bill is to permit the writing of and to make available package or multi-peril insurance policies covering commercial risks.

Under present law, purchasers of commercial insurance are required to buy separate policies and pay separate premiums for insurance coverage of additional perils. This bill would delete those provisions which require the separability of premiums and component parts of commercial insurance coverage into separate policies but will require the insurer to state separately the premiums for each peril covered, unless the insured gives a written waiver of this right. The bill further requires all commercial policies that do not have separately stated premium rates to include fire and liability coverage.

While in agreement with the intent of the bill, your Committee has amended it to delete the written waiver requirement and to require that the premium bases and premiums be stated separately for fire, inland marine, general liability, crime, and each optional coverage desired. Your Committee notes that each optional coverage purchased can itself take the form of a multi-peril package encompassing coverages, other than those listed, grouped together for convenience of writing. An insurer, then, need not state separate premiums for each and every peril insured against, but only for those optional coverage groupings purchased. Your Committee feels that this process will provide adequate information to the buyer without placing an unnecessary burden on the policy writer.

Your Committee finds from the testimony presented that permitting the purchase of multi-peril policies will simplify the writing of commercial insurance, lower the cost of policy writing, accounting and premium collection, and simplify the purchase of such insurance. Your Committee also feels that this bill will provide for a reduction in the cost of premiums to policy subscribers because of the streamlining of the writing process notwithstanding the premium stating requirement.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 86, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 86, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia, Masutani, D. Yamada, Ikeda and Medeiros.

SCRep. 971 Judiciary on S.B. No. 46

The purpose of this bill is to disqualify any person convicted of any act, attempt, or conspiracy to overthrow the State or Federal governments from holding public office or employment.

Your Committee finds that pursuant to a 1978 Constitutional amendment, the Hawaii State Constitution now provides for the disqualification of any public official or employee who is convicted of any act, attempt or conspiracy to overthrow the State or Federal governments by force or violence. The intent of this amendment is to provide that conviction rather than commission of any act to overthrow the State or Federal governments is necessary for disqualification.

Your Committee believes that this bill conforms the appropriate sections of the Hawaii Revised Statutes to the instant constitutional amendment, acts to clarify the State Constitution, and eliminates possible due process problems which may be presented by the denial of public employment or office to a person who has not been convicted of a crime.

Your Committee has amended this bill to correct typographical errors.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 46, S.D. 2, H.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives
Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 972 Judiciary on S.B. No. 1303

The purpose of this bill is to clarify the present rules governing the adoption of children to prevent the automatic disqualification of blind or other physically disabled persons from adopting children.

Your Committee heard testimony that present law is silent as to what factors may be used as determinants of fitness with respect to prospective adoptive parents. However, this silence notwithstanding, the Department of Social Services and Housing considers all circumstances surrounding a petitioner's ability to properly care for a child, thereby assuring that the adoption is in the best interests of the child.

Your Committee feels that there is a need to assure that physical disability alone shall not disqualify an otherwise fit person from adopting children. However, your Committee has amended this bill by deleting the term "blindness" inasmuch as your Committee feels that it falls within the scope of a physical disability and is thereby covered by the more generic term.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1303, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1303, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives *
Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 973 Judiciary on S.B. No. 1284

The purpose of this bill is to facilitate coordination of the trust, uniform probate code and professional corporations provisions of the Hawaii Revised Statutes; to ensure that professional corporations qualifying as trustees shall be subject to the fiduciary duties applicable to trustees; and to allow trust companies engaged in trust transactions to hold securities in bulk, provided that transfer of interests of portions of such bulk shall be confirmed by appropriate bookkeeping entries and certification of individual deposits and holdings shall be made on demand of the depositors.

Certain provisions of the Hawaii Revised Statutes, including primarily the professional corporation statute, have been expanded to cover persons who are appointed trustees and would like to be able to form professional corporations.

Your Committee finds that S.B. No. 1284, S.D. 1, would benefit any trust concerned because it would aid in the attraction of the most qualified individuals and encourage them to accept trustee appointments by providing the same types of benefits available in corporations generally. It should be made perfectly clear, however, that it is not the intention of your Committee to allow trustees and personal representatives to escape liability by incorporating.

In addition, in allowing trust companies engaged in trust transactions under certain conditions to hold securities in bulk, it should be made clear that your Committee in no way intends to lessen the duty of fiduciaries to account for properties held in trust by them.

Your Committee has amended this bill to correct typographical errors.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1284, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1284, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 974 Judiciary on S.B. No. 1415

The purpose of this bill is to provide for the denial of bail to an accused whom a judge believes is a danger to himself or to the community.

Under present law, a judge may withhold bail before conviction only when the charge against the defendant could result in life imprisonment without the possibility of parole. This bill provides additional circumstances under which the court may deny bail, to wit, when it believes the defendant would be a danger to himself or to the community.

Notwithstanding the obvious merits and salutary purpose of this bill's provision, your Committee, being of the opinion that case law does not generally support the denial of bail in pre-conviction, non-capital offense situations, has amended this bill to provide that bail may be denied only if the defendant has threatened the life of a witness. Your Committee feels that by restricting a court's discretion in denying bail to this particular circumstance, this bill's provision is made consistent with current case law.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1415, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1415, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 975 Judiciary on S.B. No. 11

The purpose of this bill is to conform the Hawaii Revised Statutes to Article II, Section 8 of the Constitution, relating to general, special and primary elections.

This bill amends Section 12-2, Hawaii Revised Statutes, to effectuate the Constitutional mandate that in no case shall any primary election precede a general election by less than forty-five days.

Under the provisions of S.B. No. 11, the date of the primary election shall be the third Saturday of September in every even numbered year, provided that any primary election shall not precede a general election by less than forty-five days. Your Committee finds however, that in some cases, this provision would require that the primary election precede the general election by more than forty-five days, resulting in differences in the length of time between the primary and the general in different election years.

Your Committee believes that the length of time between the primary and the general elections should be consistent for every election year, and has amended this bill to provide that the primary election be held on the second to the last Saturday of September in every even numbered year. This amendment would effectively implement the mandate of Article II, Section 8 of the Constitution by setting the date of the primary election exactly forty-five days prior to the general election in every election year.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 11, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 11, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 976 Judiciary on S.B. No. 1230

The purpose of this bill is to help curtail the increasing rate of shoplifting by providing minimum mandatory sentences for persons convicted of committing the offense of shoplifting.

Your Committee finds that shoplifters take approximately twenty-five to thirty-five million dollars from businesses in the State of Hawaii annually, thereby increasing consumer costs concomitantly, and further, that there has been a 26 percent increase in the amount of shoplifting since 1976-1977.

Your Committee further finds that present law does not provide even a minimal deterrent to shoplifters, inasmuch as courts impose lenient and inconsistent sentences for convicted shoplifters. This bill would require the imposition of minimum fines, such fines varying

with the value of the property shoplifted.

Your Committee feels that providing for minimum fines for the crime of shoplifting will aid in not only deterring persons from shoplifting, but in minimizing its overall growth, thus benefiting both the businessmen and consumers of this State.

However, your Committee is also acutely aware that one ramification of this bill may be to create a "debtor's prison", whereby individuals unable to pay the minimum mandatory fine are routinely held in contempt and jailed.

Accordingly, your Committee has amended this bill to give the court the discretion to sentence a convicted shoplifter with either a fine or imprisonment, or both. In addition, your Committee has provided for the sentencing alternative of performing public service to work off a fine for a defendant found not to be in contumacious default in the payment of such fine. Your Committee feels this is a more viable and productive means of deterring shoplifting than revoking or reducing the fine of a defendant not in contumacious default in the payment thereof.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1230, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1230, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 977 Judiciary on S.B. No. 1049

The purpose of this bill is to clarify the offense of unreasonable noise.

Your Committee finds that under current statutes, in order to convict a person under the disorderly conduct statute for making unreasonable noise, one must prove that such person's actions involved a gross deviation from the standard of conduct of a law-abiding citizen. Prosecution has been difficult using this broad, if not vague, definition. This bill authorizes any police officer to make a determination of what is unreasonable noise and makes the failure of a person to heed his warning a punishable offense.

However, the bill also makes a renter or resident owner vicariously liable for the acts of the person making the unreasonable noise. Your Committee finds that this places an unreasonable burden on the renter or resident owner inasmuch as it is based on the questionable assumptions that such noise was emanating from a person's residence, and that the renter/resident owner condoned or allowed such unreasonable noise. Therefore, your Committee has amended this bill by deleting that part which places such burden on the renter or resident owner. In addition, your Committee has amended this bill by deleting that part which specifies the maximum penalties for the offense of unreasonable noise, believing that such maximums are unnecessary.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1049, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1049, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 978 Judiciary on S.B. No. 182

The purpose of this bill is to broaden the definition of a repeat offender within the meaning of section 706-606.5, Hawaii Revised Statutes, relating to the sentencing of such offenders, by changing such definition from a person convicted more than once for the same felony, to a person convicted more than once for any class A or B felony.

Presently, a person convicted previously for certain felonies listed in section 706-606.5 is sentenced mandatorily to a minimum of five years of imprisonment for a second conviction for the same felony and ten years for a third conviction. Thus, as long as a person convicted of a certain felony commits and is convicted of a different felony, he would not be considered a repeat offender notwithstanding the fact that felony one may have been murder and felony two rape in the first degree. This bill would eliminate this incongruous situation.

Your Committee, however, received testimony that the minimum mandatory sentence of imprisonment contained in present law and retained in S.B. No. 182, S.D. 1, is neither the most efficient nor the most just means of handling repeat offenders because it precludes any consideration of the individual, specific and otherwise unique facts and circumstances that surround most, if not all, crimes, criminals, and the latter's response to imprisonment.

Accordingly, your Committee has amended this bill to eliminate the minimum sentence of imprisonment provision by returning the authority to set minimum sentences of imprisonment to the Hawaii Paroling Authority.

Your Committee further amended the bill by reinstating the list of offenses for which section 706-606.5 applies, adding manslaughter and unlawful imprisonment in the first degree, and extending the section's application to additional degrees of the types of offenses enumerated therein to encompass all classes of these felonies. Thus, as amended, this bill would apply to more types of offenses and lower degrees thereof.

Your Committee resolved the problem of the incongruous requirement that a person commit identical felonies to be considered a repeat offender by specifying that a subsequent conviction for any of the types or degrees enumerated would make such a person a repeat offender.

Finally, your Committee amended the bill to limit the period for which a person would still be considered a person convicted of a prior felony to the period in which he was on probation, on parole, in prison, or otherwise under sentence for that prior conviction.

Therefore, as amended, this bill would require that a person convicted of a subsequent felony of any of the types and degrees enumerated in section 706-606.5 while still under the court's jurisdiction for a prior felony conviction of such types or degrees, be mandatorily sentenced to the maximum term of imprisonment provided by law, but with the minimum term thereof to be set by the Hawaii Paroling Authority.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 182, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 182, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 979

Judiciary on S.B. No. 1591

The purpose of this bill is to amend Chapter 343, Hawaii Revised Statutes, relating to environmental impact statements.

The amendments proposed under the provisions of this bill are primarily housekeeping changes which serve to clarify and conform the statutes to present practices instituted through Environmental Quality Commission regulations that have been found useful in implementing an environmental impact review system.

S.B. No. 1591, H.D. 1 also makes substantive amendment to Chapter 343 to reduce the duplication of effort which occurs at the State, County and Federal levels of government when the environmental review requirements of both the National Environmental Policy Act and Chapter 343 apply to the same project. Under the provisions of this bill, State and County agencies are required to cooperate to the fullest extent possible with Federal agencies in order to expedite the review process.

This bill also amends the period of time in which suits may be initiated to challenge the undertaking of a project subject to agency determination of whether or not an environmental impact statement is required, but for which no determination was made.

Under present law, suits may be initiated within 180 days of a decision by a government agency to carry out or approve a project, or within 180 days after a private project is started. In both instances, the time limitation has been reduced to within 120 days which your Committee believes would allow interested parties sufficient opportunity to initiate a challenge before the project is long underway.

Upon due consideration of testimony received on this bill, your Committee has made amendments to S.B. No. 1591, H.D. 1, as follows:

- (1) The definition of "discretionary consent" has been amended by changing the phrase "ministerial approval" to "ministerial consent" so as to avoid a circular definition of the word "approval" which, for purposes of Chapter 343, is defined as discretionary consent required from an agency prior to actual implementation of an action.
- (2) The provision requiring an agency to either accept or not accept an environmental impact statement within sixty days of its receipt has been amended to allow extension of the sixty day period for a period not to exceed thirty days at the request of the applicant.

Your Committee finds that because of the time frame for public review and revision of impact statements provided for by regulation, in some cases, sixty days is not sufficient for an applicant to make necessary revisions. The amendment basically reflects the past practice in such instances which has been to allow extensions of the sixty day period if the applicant and the approving agency mutually agree. By providing, however, that the period may be extended at the request of the applicant rather than by mutual agreement, the intent of your Committee is to protect an applicant from undue pressure to approve an extension merely for the convenience of the agency.

Your Committee has also made other amendments to correct typographical errors found in the bill which do not affect its substance.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1591, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1591, H.D. 2, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 980 Judiciary on S.B. No. 181

The purpose of this bill is to support increased efforts by prosecuting attorneys' offices to prosecute career criminals through organizational and operational techniques that have proven effective in selected counties in other states.

Your Committee finds that a substantial amount of serious crime is committed by a relatively small number of multiple and repeat felony offenders, commonly known as career criminals.

This bill represents an attempt to alleviate this ever increasing problem by providing for the establishment of a Career Criminal Prosecution program to be administered by the Office of the Attorney General. It requires the Office of the Attorney General to direct the program and gives it the discretion to allocate and award funds to counties in which career criminal prosecution units are established in substantial compliance with the policies and criteria which the Attorney General establishes with respect thereto.

In order to make clear that public hearings need not be conducted by the Office of the Attorney General to establish its policies and criteria with respect to the career criminal program, your Committee has amended the bill to provide that the establishment of such policies and criteria is not subject to Chapter 91 of the Hawaii Revised Statutes.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 181, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 181, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia, Masutani, Nakamura, Ikeda and Medeiros.

SCRep. 981 Consumer Protection and Commerce on S.B. No. 694

The purpose of this bill is to provide a new repeal date for the Collection Agency Board from December 31, 1979 to December 31, 1985, under Chapter 26H, Hawaii Revised Statutes.

Your Committee finds that the primary functions of the Collection Agency Board are

to receive consumer complaints against licensees and provide appropriate disciplinary procedures, and to prevent unfair and harassing practices in debt collection. Testimony received indicates that the number of complaints have been minimal over the past five years and have not resulted in major disciplinary action. Your Committee also finds that prevention of unfair and harassing collection practices has been enforced by other agencies under the Federal Fair Debt Collection Practices Act and the State Consumer Protection laws.

Your Committee therefore feels that there is no compelling need for the extension of a board whose functions are either not exercised or covered by other laws. Accordingly, your Committee feels that this board should be repealed and has amended the bill to so reflect.

Your Committee, however, feels that a measure of assurance and protection should be provided to both those who utilize the services of collection agencies and those from whom debts are collected. Your Committee has therefore further amended the bill to provide a new statutory chapter which will require all collection agencies to execute and keep in effect a bond, a copy of which shall be filed with the Department of Regulatory Agencies. Separate sanctions are provided for failure to comply with the bond requirement. The chapter would also retain the prohibited acts and practices from Chapter 443, and the sanction; providing that violations thereof shall be unfair or deceptive acts within the meaning of section 480-2. Your Committee feels that this amendment will provide adequate protection to those who deal with collection agencies.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 694, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 694, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia, Masutani, Uechi, D. Yamada, Ikeda and Medeiros.

SCRep. 982

Consumer Protection and Commerce on S.B. No. 581

The purpose of this bill is to require projects involving existing structures being converted to condominium status to meet applicable county requirements including county building, zoning and subdivision rules, codes, ordinances and regulations.

Present law does not require the compliance with county building and zoning codes and the various ordinances and regulations of existing structures being converted to condominiums. S.B. No. 581, S.D. 1 would require such projects and structures to strictly comply with the applicable county codes, ordinances and regulations and will require disclosure of any variance from county codes, ordinances, and regulations at the time of the original construction as well as any current variances.

Your Committee agrees that projects involving the conversion of existing structures from rental to condominium status requires additional disclosures to prospective buyers relating to conditions of the building which may otherwise be unknown to them. Your Committee, however, feels that amendments are necessary to further the intent of the bill and has therefore modified the developer disclosure requirements of sections 514A-40 and 514A-61, Hawaii Revised Statutes, to include provisions describing the legal and physical condition of the building as well as its conformance with the various county building codes and rules. Developers of converted condominiums will be required to disclose the condition of structural components and mechanical and electrical installations to prospective buyers. Your Committee has also amended the bill to require disclosure of any pending lawsuits or judgments relating to the project or association of owners.

Your Committee has further amended the bill by amending section 514A-20 to require that all Horizontal Property Regimes conform at the time of creation to all applicable county lot and structure zoning requirements. Your Committee feels that this requirement will inure to the benefit of potential purchasers by assuring them that the project, including existing structures in condominium conversions, complies with the county zoning codes such as Chapter 8, Article 22 of the Kauai Revised Code of Ordinances (1976), and Section 21-107 of the Comprehensive Zoning Code, City and County of Honolulu (1969).

Your Committee finds that conversions of existing structures from rental to condominium status is a relatively simple and expeditious process that can lend itself to the conversion and sale of substandard properties with no restrictions on quality or code compliance.

Your Committee feels that this bill as amended will provide assurance to buyers of converted condominiums that these units meet minimum standards of habitability and safety.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 581, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 581, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia, Masutani, D. Yamada, Ikeda and Medeiros.

SCRep. 983 Ocean and Marine Resources on S.B. No. 1430 (Majority)

The purpose of this Bill is to amend Section 188-25 of the Hawaii Revised Statutes to allow the sale of all species of fish legally taken or killed with a spear. Under the existing provisions of Section 188-25, the sale or offering for sale of any speared fish other than sharks, u'u, uhu, and kumu are prohibited.

Testimony before your Committee from various groups indicates that removal of the ban on the sale of speared fish would make a greater variety of fish available to the consumer without adversely affecting the environment or the fish resources in Hawaii's shoreline waters. This is primarily due to the fact that spear fishing is a very selective and efficient method of harvesting fish.

Your Committee finds that testimony by the Department of Land and Natural Resources states that the Department will need a five year period to properly evaluate the effects of this Bill on reef fish populations.

Your Committee has made the following amendments to this Bill:

- (1) maintained Section (c) of page 2 and added the phrase "After December 31, 1983".
- (2) deleted the words "turtle or" from between the words "any" and "fish" on page 2, line 20 and on line 22 from between the words "that" and "fish". The word "turtle", in section (d), page 3, line 1, was also deleted. These changes are necessary to be consistent with recent Federal laws relating to marine turtles and aquatic mammals.
- (3) maintained the phrase "or offered for sale" on page 3, line 2.

Your Committee on Ocean and Marine Resources is in accord with the intent and purpose of S.B. No. 1430, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1430, S.D. 1, H.D. 1 and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Garcia, Holt, Inaba and Takitani.
(Representatives Fukunaga and Kawakami did not concur.)

SCRep. 984 Judiciary on S.B. No. 599

The purpose of this bill as originally introduced was to expand the definition of "a dangerous instrument" to include a firearm that is either loaded or unloaded.

Your Committee has amended the bill to make the unlawful entering or remaining upon commercial premises after reasonable warning to leave, criminal trespass in the second degree.

Under present law, entering or remaining unlawfully in commercial premises is simple trespass, a violation. This bill, as amended, would make such an act criminal trespass in the second degree, a misdemeanor.

Your Committee finds that present law makes it extremely difficult for retailers and shopping centers to remove from their premises, solicitors and demonstrators who are harassing or inconveniencing customers or causing loss of sales, because being that such persons can only be charged with simple trespass, a violation, the police will

not place them under physical arrest without a penal summons being first obtained. Since the obtaining of such a summons is a lengthy, time-consuming process, in effect there is nothing the merchant or retailer can presently do.

Making the entering or remaining unlawfully in commercial premises criminal trespass in the second degree would effectively give retailers a means to remove undesirables because it would allow the police to place them under physical arrest, criminal trespass in the second degree being a petty misdemeanor.

The bill's effectiveness notwithstanding, however, your Committee recognizes its possible conflict with legitimate union activities and the exercise of free speech, being fully cognizant that under certain conditions demonstrating in or upon commercial premises may be constitutionally protected. Further, your Committee is aware that the National Labor Relations Act controls the conduct and activity of labor unions vis-a-vis grievances with employers and that the Federal law would pre-empt State law in this instance.

Accordingly, your Committee has further amended this bill by adding a proviso specifying that the subparagraph involved does not apply to "conduct or activity subject to regulation by the National Labor Relations Act". In this manner, your Committee has intended to avoid any problems related to Federal pre-emption of State laws regulating union conduct.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 599, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 599, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Garcia.

SCRep. 985

Consumer Protection and Commerce on S.B. No. 784 (Majority)

The purpose of this bill is to delete the educational requirement of four years of high school or its equivalent in order for apprentices and students to be registered and certified with the Board of Cosmetology and to require that said apprentices and students be made aware of the educational requirements for licensure.

Present law requires a high school education or its equivalent for apprentices and students of cosmetology. Your Committee feels that there is no compelling need for such a requirement and that the high school education requirement for licensure is sufficient to implement the purpose of said educational requirement.

While in agreement with this bill, your Committee also feels that the present requirement that an apprentice or student be of "good moral character" is a difficult standard to ascertain and also bears no reasonable relation to the issue of competence in the skill. Accordingly, your Committee has amended the bill to delete that requirement.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 784, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 784, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia and D. Yamada.
(Representatives Dods and Larsen did not concur.)

SCRep. 986

Education and Culture and the Arts on S.B. No. 1059

The purpose of this bill is to amend Chapter 314, Hawaii Revised Statutes, by adding a new section which provides for the transfer of the television program, Pau Hana Years, from the Department of Education to the Hawaii Public Broadcasting Authority which is placed within the Department of Regulatory Agencies for administrative purposes.

The Pau Hana Years is a weekly television program series for and about senior citizens and has been produced by the Department of Education (and broadcasted over Hawaii Public Television) for over ten years.

Both the Department of Education and the Hawaii Public Broadcasting Authority testified

in support of the bill, provided that the Pau Hana Years program's operating funds, real property, personal property, and personnel be transferred to the Hawaii Public Broadcasting Authority.

Your Committees believe that the transfer of the Department of Education positions to the Hawaii Public Broadcasting Authority may disrupt the Authority's personnel program unless provision is made to allow adjustments to the salary ranges and steps of the positions being transferred to the Authority. Accordingly, your Committees have amended the bill by omitting the word "salary" on page 1, line 16 in Section 2 of the bill.

Your Committees also believe that if the Pau Hana Years program is transferred from the Department of Education to the Hawaii Public Broadcasting Authority, the funds appropriated for the program should also be transferred from the Department of Education's operating budget to the Department of Regulatory Agencies' operating budget. Accordingly, your Committees have amended the bill by inserting a provision to cover the transfer of \$197,191 for the fiscal biennium 1979-81 from the Instructional Development program (EDN 205) to the Hawaii Public Broadcasting program (REG 701). This provision has been inserted as Section 4, thereby necessitating the renumbering of the Ramseyer-provision section as Section 5 and the effective date section as Section 6.

Your Committee on Education and your Committee on Culture and the Arts are in accord with the intent and purpose of S.B. No. 1059, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1059, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 987 Legislative Management

Informing the House that House Resolution Nos. 642 to 658, House Concurrent Resolution Nos. 160 and 161, and Standing Committee Report Nos. 904 to 986, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 988 Health on H.R. No. 539

The purpose of this resolution is to request the Department of Health to conduct a study on the "U" series treatment for Down's Syndrome.

The "U" series treatment is a method of treatment that has been developed by Dr. Henry Turkel of Michigan. There are reports that the treatment is effective in improving the physical and emotional conditions of persons with Down's Syndrome.

Although there are reports of beneficial results attributed to the "U" series treatment, the federal Food and Drug Administration has not yet approved the "treatment". That being the case, the treatment which includes dosages of minerals and vitamins cannot be shipped interstate. At present, there is no commonly accepted scientific evidence to support or refute the results of the treatment.

Testimony presented by Mrs. Arline Burman of Los Angeles, California who is the National President of the U-Series for Down's Syndrome organization has volunteered to make available for study, clinical records of persons who have undergone the U-series treatment. The Takasago City Hospital in Japan has been treating patients of children Down's Syndrome for over ten years with a variation of the treatment prescribed by Dr. Turkel. As such, there is a large body of information within the country and in other countries concerning the treatment which yet remains uncoordinated.

Testimony presented by the Department of Health, health care professionals and doctors indicate that neither the Department of Health nor any organized body in the State has the necessary resources to conduct an in-depth research study as is required by the resolution. Inasmuch as the "U" series treatment has not been approved by the federal Food and Drug Administration, the reporting of findings and recommendations to the Legislature by the Department of Health may present a conflict of interest on the part of the Department. Your Committee has therefore amended the resolution to have the University of Hawaii, School of Public Health, as an objective academic body, compile and summarize available information on the "U" series treatment.

Your Committee on Health concurs with the intent and purpose of H.R. No. 539, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 539, H.D. 1.

Signed by all members of the Committee.

SCRep. 989 Health on H.C.R. No. 129

The purpose of this concurrent resolution is to request the Department of Health to conduct a study on the "U" series treatment for Down's Syndrome.

The "U" series treatment is a method of treatment that has been developed by Dr. Henry Turkel of Michigan. There are reports that the treatment is effective in improving the physical and emotional conditions of persons with Down's Syndrome.

Although there are reports of beneficial results attributed to the "U" series treatment, the federal Food and Drug Administration has not yet approved the "treatment". That being the case, the treatment which includes dosages of minerals and vitamins cannot be shipped interstate. At present, there is no commonly accepted scientific evidence to support or refute the results of the treatment.

Testimony presented by Mrs. Arline Burman of Los Angeles, California who is the National President of the U-Series for Down's Syndrome organization has volunteered to make available for study, clinical records of persons who have undergone the U-series treatment. The Takasago City Hospital in Japan has been treating patients of children Down's Syndrome for over ten years with a variation of the treatment prescribed by Dr. Turkel. As such, there is a large body of information within the country and in other countries concerning the treatment which yet remains uncoordinated.

Testimony presented by the Department of Health, health care professionals and doctors indicate that neither the Department of Health nor any organized body in the State has the necessary resources to conduct an in-depth research study as is required by the concurrent resolution. Inasmuch as the "U" series treatment has not been approved by the federal Food and Drug Administration, the reporting of findings and recommendations to the Legislature by the Department of Health may present a conflict of interest on the part of the Department. Your Committee has therefore amended the concurrent resolution to have the University of Hawaii, School of Public Health, as an objective academic body, compile and summarize available information on the "U" series treatment.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 129, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 129, H.D. 1.

Signed by all members of the Committee.

SCRep. 990 Health on H.C.R. No. 132

The purpose of this concurrent resolution is to reduce the incidence of serious injury or death due to food-choking by requesting all food establishments and facilities to post instructions on the Heimlich Maneuver.

Your Committee finds from testimonies received that about sixty percent of all food choking deaths occur in restaurants. The Department of Health feels that the presence of the poster will be an excellent stimulus to the general public to seek training and become proficient in various lifesaving skills. In the four-and-one-half years since the introduction of the Heimlich Maneuver, there have been over 2,500 documented cases where an individual has been saved by this technique.

Your Committee further finds that the financial implication of this concurrent resolution is minimal, no more than the costs of printing the information.

Your Committee has requested that the Department of Health post instructional procedures involved in first-aid for choking in all eating establishments and facilities, and has requested that the department make every effort to involve and seek the cooperation of the appropriate organizations to assist in the training of this lifesaving method.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 132 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 991 Employment Opportunities and Labor Relations; and Public
Employment and Government Operations on H.R. No. 52

The purpose of this resolution is to have a joint review by the Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations of the funding and operations of the Comprehensive Employment and Training Act (CETA) and State Comprehensive Employment Training (SCET) programs.

In 1973 Congress enacted the Comprehensive Employment and Training Act (CETA) and during the Regular Session of 1975 the State of Hawaii enacted Act 151 which established the State Program for the Unemployed. Both programs have been extended throughout the years. The Legislature should review these programs to determine whether they are meeting their objectives and propose any modifications if necessary.

Your Committees have amended the resolution by including areas to be addressed in the review and to report its findings to the Legislature prior to the convening of the 1980 Session.

Your Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations concur with the intent and purpose of H.R. No. 52, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 52, H.D. 1.

Signed by all members of the Committees.

SCRep. 992 Finance on S.B. No. 758

The purpose of this bill is to amend section 279A-4, Hawaii Revised Statutes, to modify the composition of the statewide transportation council.

The specific modification increases the number of members of the council from twelve to thirteen members and designates the chairman of the board of agriculture as the new member.

Your Committee believes that transportation is an integral component of agricultural development in the State. Therefore, it is incumbent that the chairman of the board of agriculture play an active role in the coordination and development of a statewide transportation plan.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 758 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 993 Finance on S.B. No. 1764

The purpose of this bill is to remove the State Immigrant Services Center from the administration of the State Commission on Manpower and Full Employment and to place it as a separate organizational entity under the Office of the Governor.

Since 1975, the State Immigrant Services Center has been operating as a permanent program under the Commission on Manpower and Full Employment, which is attached to the Governor's Office. In addition, since 1976 it has been given the responsibility of administering the Governor's Indo-Chinese Refugee Employment Project, reporting directly to the Governor. While this organizational arrangement has worked reasonably well, there has been some concern that the identity of the State Immigrant Services Center has often been obscured. Furthermore, administrative problems may become more complicated if the Commission is transferred for administrative purposes to the Department of Labor and Industrial Relations as is currently being proposed.

Placing the Center under the Governor's Office would facilitate a higher level of coordination among all State agencies providing services to immigrants in the areas of education and training, health, housing, employment, and social adjustment.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1764,

S.D. 1 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 994 Finance on S.B. No. 31

The purpose of this bill is to replace the term "money payments" as it relates to the public assistance laws of the State with the term "financial assistance".

The amendments of this bill conform present statutes with the language used in Article IX, section 3, of the Constitution of the State of Hawaii which was recently ratified by the electorate.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 31, S.D. 2 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 995 Finance on S.B. No. 1537

The purpose of this bill is to clarify prior appropriations for Children's Hospital by recognizing the change of the facility's name to Kapiolani Children's Medical Center, the relocation of the facility to its new quarters, and the intent to use such funds for planning, construction, and equipment at its present facility.

This bill amends Act 226, Session Laws of Hawaii 1976, by correcting references to Children's Hospital to Kapiolani Children's Medical Center. This change is in keeping with the facility's recent move and name change.

At the time the appropriation was made, confusion existed relative to the plan of Children's Hospital to relocate from its Kuakini Street site to Punahou Street to affiliate with Kapiolani Hospital to form the Kapiolani Children's Medical Center. The unfortunate confusion resulted in an Attorney General's opinion that the appropriation could not be released for the Center at the Punahou Street site.

This bill would rectify the problem and allow for the release of funds to the Kapiolani Children's Medical Center.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1537 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 996 Finance on S.B. No. 1594

The purpose of this bill is to provide the necessary enabling legislation to revise the air pollution permit fee regulations to be consistent with the federal law.

The Clean Air Act Amendments of 1977, Section 110 (a) (2) (k) requires the states to amend their implementation plans such that permit fees for major air pollution sources cover the reasonable costs of permit review, approval, and enforcement.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1594, S.D. 2 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 997 Consumer Protection and Commerce on S.B. No. 654

The purpose of this bill is to allow for biennial rather than annual licensing of securities salesmen and dealers.

Under present law, securities salesmen and dealers are required to renew their licenses on an annual basis by the Department of Regulatory Agencies, Business Registration Division. Your Committee finds from the testimony presented that there is no compelling reason to continue the annual licensing requirement and that biennial licensing will

permit the Business Registration Division to provide better service to the public in the other areas of their duties and will not affect the power to discipline errant licensees.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 654 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia and D. Yamada.

SCRep. 998 Consumer Protection and Commerce on S.B. No. 698

The purpose of this bill is to include the Pest Control Board under Chapter 26H, Hawaii Revised Statutes.

Your Committee finds that this board was inadvertently omitted when the sunset law was enacted and that this bill will correct the error. Your Committee agrees that this board should be included under the review provisions of Chapter 26H.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 698 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia and D. Yamada.

SCRep. 999 Ecology and Environmental Protection; and Water, Land Use, Development and Hawaiian Affairs on S.B. No. 483

The purpose of this bill is to designate the first Friday in November as Arbor Day.

In the past the date for celebration of Arbor Day was assigned on a yearly basis, inconveniencing organizations which desired to plan programs for the occasion. Your Committees are in agreement with the establishment of a set date as a convenience to the State.

Your Committees wish to point out that this action does not constitute the establishment of another State holiday.

Your Committees on Ecology and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs are in accord with the intent and purpose of S. B. No. 483 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1000 Health and Judiciary on S.B. No. 32

The purpose of this Act is to amend Chapter 334 and 348 of the Hawaii Revised Statutes to broaden the definition of "treatment" as that term applies in these statutes to include domiciliary care of handicapped persons.

The Constitutional Convention of 1978 proposed language changes to what was Article VIII, Section 2 of the State Constitution and what is now Article IX, Section 2. The phrase "domiciliary care" was deleted on the premise that the words "treatment and rehabilitation" presently contained in Article IX, Section 2 were broad enough to include such care. The bill provides the necessary statutory change to make explicit the inclusion of domiciliary care of handicapped persons.

Your Committees on Health and Judiciary are in accord with the intent and purpose of S.B. No. 32, S.D. 2 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 1001 Transportation on S.B. No. 1117

The purpose of this bill is to change the mandatory requirement that the Statewide Transportation Council (STC) annually determine ways to limit the number and kinds of transportation units in the State. This bill will grant discretion to the STC or the Legislature to decide when such a determination is necessary.

Your Committee notes that the Department of Transportation (DOT) is in support with the amendments to Chapter 279A-9, Hawaii Revised Statutes. The DOT stated that annual reports are no longer necessary, and that STC continue to report any significant developments on the subject which may occur.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 1117, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1002 Energy on H.R. No. 320

The purpose of this resolution is to request the House Committee on Energy to review current State, County and private efforts in expanding alternate energy research and development into commercial activities.

Your Committee believes that the commercialization of all forms of alternate energy including geothermal energy will increase Hawaii's energy self-sufficiency and is therefore of great importance to the future well-being of our State. Your Committee also believes that obstacles to the commercialization of geothermal and other forms of alternate energy should be identified now, while there is adequate time to consider all possible solutions.

Your Committee agrees that this matter should be reviewed at the present legislative session. However, due to the limited time available, your Committee has amended the second BE IT FURTHER RESOLVED clause regarding the reporting date for this resolution from "twenty legislative days prior to the adjournment of the Regular Session of 1979;" to "ten legislative days prior to the adjournment of the Regular Session of 1979."

Your Committee has also amended the fifth WHEREAS clause to read "WHEREAS, recent developments in the field of underwater cable technology have made the concept of transferring electricity from the Big Island to other parts of the state technically feasible; and."

Your Committee on Energy concurs with the intent and purpose of H.R. No. 320, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 320, H.D. 1.

Signed by all members of the Committee.

SCRep. 1003 Energy (H.R. No. 320)

Your Committee on Energy, pursuant to H.R. No. 320, H.D. 1, adopted by the Regular Session of 1979 and directed to "review current state, county, and private efforts in expanding alternate energy research and development into commercial activities" and "report its findings and recommendations to the Legislature ten legislative days prior to the adjournment of the Regular Session of 1979", begs leave to report as follows:

Your Committee on Energy formed a subcommittee on alternate energy development to conduct the review requested by H.R. No. 320, H.D. 1. The subcommittee was composed of Representatives Clarice Hashimoto, Chairman; Christopher Crozier; Carol Fukunaga; Minoru Inaba; Charles Toguchi; Mitsuo Uechi; Tony Narvaes; and Clifford Uwaine, ex-officio. Your Committee on Energy concurs with the findings of the subcommittee on alternate energy development reported below.

Although the title of H.R. No. 320, H.D. 1 specifically addresses geothermal energy, the subcommittee on alternate energy development was flexible and accepted testimony on commercialization of other forms of alternate energy, including OTEC, solar, biomass, and wind. The subcommittee felt that the problems facing all forms of alternate energy development should be dealt with now before steps toward commercialization can take place.

The subcommittee held an information-gathering hearing and received testimony from representatives of the state, the counties, and the private sector in answer to the five questions, included in this resolution. Suggested answers to these five questions are as follows:

(1) What kind of assistance will private industry need to make the transition to alternate energy?

Concentrate state and county research and development appropriations in those projects that show the most promise of early economic feasibility and are not already being funded by massive Department of Energy (D.O.E.) budgets.

Remove regulatory roadblocks, expedite permit processing, and coordinate government agency jurisdiction to minimize conflicts.

Clarify geothermal ownership rights.

Institute state and county incentive programs for commercial development of alternate energy. These could include tax exemptions, deferrals, and credits.

(2) What is the projected timetable for utilization of alternate energy sources by private industry?

The utilization of alternate sources by private industry is primarily dependent on three things: (1) the availability of proven technology, (2) applicability of this technology to local conditions, and (3) economic feasibility. In the case of alternate energy utilization by a regulated utility, the additional requirements of source reliability must be met.

Timetables for different sources are extremely difficult to estimate, due to the infant stage of many developments insofar as the three criteria mentioned above.

(1) Bagasse. In progress. Approximately 3% of our State's utility electric sales are produced from bagasse. Ultimate production within ten years could approach 5% depending primarily on trash utilization.

(2) Geothermal. For the island of Hawaii only, a possibility of commercialization in ten years, provided questions of resource extent, longevity, quality and siting problems in Puna are resolved, and HGP-A test is successful. For economic reasons, geothermal electric generation will not be feasible until the need for added generation on the island and that is estimated to be 1987.

(3) Wind Energy. Small wind turbine generators on the order of several kilowatts are being used or tested in a number of locations. Medium and large sized wind generators are not yet generally commercially available. Hawaii was successful in obtaining D.O.E. approval for a 200-kw Wind Turbine Generator in September 1978. Delivery is expected in 1980, for a two-year test ending in 1982.

(4) Refuse. The City and County of Honolulu is presently formulating proposals for a centralized solid waste processing and resource recovery facility on Oahu which would produce energy as a by-product of the waste disposal system. If the project goes forward according to plan, the earliest operational date would be 1983.

(5) Ocean Thermal Energy Conversion (OTEC). Ocean thermal energy conversion is the energy source furthest from commercialization; probably another ten years of development and demonstration are needed. OTEC plants may be able to provide electricity into the utility grid in another decade, according to present schedules.

(6) Solar. Solar water heating is commercially available today. Solar thermal electric applications are perhaps five to ten years from commercialization, as is the use of photovoltaic cells to produce electricity from solar energy.

(7) Ethanol. A group consisting of HSPA, HNEI, DPED, the Engineering Department of the University of Hawaii, and the County of Maui is currently awaiting D.O.E. approval of their four phase project to set up a commercial ethanol plant on the island of Maui. They expect funding of the first phase by May 1, 1979.

(3) Is it possible to help finance initial private industry investment in alternate energy sources through special purpose revenue bonds? If so, how?

The Department of Budget and Finance testified that it would not be possible to finance initial private industry investment in alternate energy sources through special purpose revenue bonds because of the risky nature of the investment.

(4) Will the new developments in underwater cable technology speed up private industry participation?

To date, the deepest underwater cable is at a depth of less than 2,000 feet. Depths of over 6,000 feet must be crossed between Hawaii and Maui. The technology for HVDC or HVAC cables at these depths has yet to be proven. As part of the D.O.E. funding of OTEC research and development, deep water cables are under study on contracts let in 1978. A future contract will test a prototype. This latter contract should be completed by 1983 and, if successful, cables can be available commercially by 1985.

Although the deep water cable technology problem would appear to be on its way to a solution, the matter of economic feasibility is unsettled. If the concept is to replace conventional oil-fired kilowatthours with geothermal generated kilowatthours exported from Hawaii to the major load center of Oahu, economic considerations dictate that the total costs including capital costs, of the geothermal plant and the cable with terminations must be less than the total costs of the alternate, conventional oil-fired generation on Oahu. This equation puts serious limitations on the maximum breakeven capital investment for the combination of geothermal and cable which it would appear will be difficult if not impossible to meet, at least for many years.

(5) Is there need for State regulation in this area? If so, what kind?

It was the general consensus of those testifying that the maximum incentive for commercialization of alternate sources of energy will come about through minimizing State regulation.

The need for more government coordination was cited by many of those testifying before the subcommittee. The lack of a single State organization responsible for full-time overall direction and coordination of principal aspects of energy planning was viewed as one of the greatest barriers to commercialization.

The proposals contained in this report are examples of the many proposals and recommendations that were presented to the subcommittee. Because of the amount of information and the importance of the energy field to Hawaii, your Committee agrees with the subcommittee's recommendation that interim work be conducted.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1004

Ecology and Environmental Protection; and Agriculture on
H.R. No. 540

The purpose of this resolution is to request the governmental agencies responsible for adopting pollution control regulations to refrain from imposing additional controls on the Hilo Coast Processing Company and to assist them in complying with existing requirements.

Your Committees heard testimony from the company that they have reduced discharges into the ocean by 97% in the last seven years, but in so doing the members have experienced severe financial hardship. Your Committees feel that the continued operation of the company is of great economic importance to the County of Hawaii and the State. Your Committees feel, therefore, that if the company conscientiously maintains its present level of compliance with anti-pollution regulations it should:

- (a) not be subjected to effluent standards so stringent that the existence of the cooperative is threatened, and
- (b) receive the assistance of appropriate agencies in evolving financially feasible compliance methods.

Your Committees on Ecology and Environmental Protection and Agriculture concur with the intent and purpose of H.R. No. 540 and recommend its adoption.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1005 Judiciary on H.R. No. 398

The purpose of this resolution is to request the Criminal Injuries Compensation Commission to review the compensation program it administers, especially with regard to attorney's fees, awards for pain and suffering, payments for funeral expenses, and limitations on compensation.

Your Committee finds that the Criminal Injuries Compensation Program has been in existence since 1967, during which time the compensation limit of \$10,000, awards for attorney's fees and pain and suffering, and other aspects of the program have not been reviewed or evaluated.

Your Committee feels that the review requested in this resolution is desirable given the length of time that has transpired since the inception of the Criminal Injuries Compensation Program.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 398 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1006 Judiciary on H.R. No. 428

The purpose of this resolution is to request that a study and review of the laws relating to rape be conducted by an interim committee of the House of Representatives.

Your Committee finds that many questions have arisen in recent times regarding Hawaii's rape laws, including the requirement of serious bodily injury as determining the seriousness of a rape charge, the relevance of the relationship between a rape victim and the defendant for mitigating the seriousness of the crime, and the possible recognition of rape between persons married to each other.

The study and review requested in this resolution would go far in providing logical, rational answers to questions such as these, and your Committee finds, would be essential in determining whether a comprehensive statutory overhaul of our State's rape laws is desirable or feasible.

Your Committee concurs with the intent and purpose of H.R. No. 428 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1007 Legislative Management

Informing the House that House Resolution Nos. 659 to 667, House Concurrent Resolution Nos. 162 and 163, and Standing Committee Report Nos. 988 to 1006, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1008 Legislative Management

Informing the House that House Resolution Nos. 668 to 681, House Concurrent Resolution No. 164, and Standing Committee Report Nos. 1009 to 1032, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1009 State General Planning and Transportation on H.R. No. 83

The purpose of this resolution is to review the Department of Transportation's progress in developing the statewide transportation plan required by the Hawaii State Planning Act, Act 100, SLH 1978, and Act 179, SLH 1975.

Testimony by Dr. Ryokichi Higashionna, Director of the Department of Transportation stated that the functional plan presented to the 1979 Regular Session was developed to meet the continued growth in transportation demand and increasing mobility require-

ments. Presently, the Department of Transportation is mandated by Section 279-2, Hawaii Revised Statutes, to update the statewide transportation plan annually. This updated report was approved by the statewide transportation council and the Governor of the State of Hawaii. Dr. Higashionna further stated that his department has been working very closely with the neighbor island counties in developing this functional plan. However, Dr. Higashionna further stated that there was little coordination or communication with other state agencies working on plans such as the agriculture and housing functional plans.

In view of this and other concerns, your Committees find that additional review and evaluation of the functional plan is needed and have appropriately amended the title and body of this resolution to request the review and examination of the statewide transportation plan during the 1979 Legislative Interim by an interim committee.

Your Committees on State General Planning and Transportation concur with the intent and purpose of H.R. No. 83, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 83, H.D. 1.

Signed by all members of the Committees.

SCRep. 1010 Judiciary on H.R. No. 38

The purpose of this resolution is to request an interim committee to review the 1978 constitutional amendment relating to the powers of the Board of Regents to ascertain whether legislation is required to implement it and to report its findings to the State House of Representatives prior to the start of the 1980 Regular Session.

Your Committee finds that although the intent of the constitutional amendment is clear, the way in which to best implement it will require much study and analysis. Your Committee notes that while your Committee on Higher Education has begun studying specific sections of the Hawaii Revised Statutes which may require modification to further definition to carry out the intent of the amendment, an interim committee would be better able to comprehensively study this matter.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 38, H.D. 1, and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1011 Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 499

The purpose of this resolution is to request the Departments of Land and Natural Resources and Planning and Economic Development to select Heeia-Kea fishpond as one of the ancient Hawaiian fishponds to be evaluated for the feasibility of implementing limu farming and, if determined to be feasible, to support the implementation of the Heeia-Kea Community Association limu project proposal.

A DPED report, Aquaculture Development for Hawaii, recommends considering the feasibility of restoring representative Hawaiian fishponds as historical features, tourist attractions and possible sites for commercial aquaculture operations. In response to this need, DPED's Aquaculture Development Program is funding the first year of a proposed three-year project entitled "Implementation of Gracilaria Farming in Hawaii." The purpose of the project is to identify and train research personnel, to identify sites and to complete a pre-investment feasibility study of ogo (limu) farming in Hawaii. According to the project proposal, Heeia Pond has been used as a test site for preliminary experiments and could continue to be used as one of 5 sites to be intensively monitored. According to the researchers the pond has potential as an ogo production site.

DPED discussed the Heeia-Kea Community Association proposal entitled, "Limu Restoration Project, Heeia Fishpond" with the association and found it to have merit. The project combines a number of purposes, including economic development, cultural awareness, community betterment, historical preservation and research. As a community-based project, it reflects the desire of area residents to find economically productive uses for Heeia fishpond which are compatible with the rural Hawaiian atmosphere of the region.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 499 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1012

Employment Opportunities and Labor Relations on H.R. No. 565

The purpose of this resolution is to request the Secretary of the United States Department of Labor to raise the average annual wage limitation for Hawaii's Public Service Employment participants under the Comprehensive Employment and Training Act.

In the CETA Amendments of 1978 (Public Law 95-524), a new provision to the PSE programs mandated that an average annual wage rate of \$7,200 was not to be exceeded for PSE jobs. This average wage rate is to be adjusted annually by the Secretary of Labor based on the ratio of an area's average wage rate to the national wage rate.

The proposed CETA regulations, published in the Federal Register, Vol. 44, No. 14, January 19, 1979, defined the Secretary's methodology for computing the area wage index for use as the basis for determining each area's average annual wage rate. The data is to be derived from the quarterly report submitted to the Secretary by the State Employment Security Agencies, which reported the number of employees covered by State and Federal Unemployment Insurance (UI) and their wages earned for that period. This method penalized Hawaii, where the wider application of UI to include lower-paying jobs reduced the average wage rate in comparison with some other States. The inclusion of lower paid agricultural and domestic workers and earlier coverage effective from an employee's starting date adversely affected the basis for which the average annual wage rate was computed.

The Secretary subsequently issued to the Hawaii prime sponsors the mandated average annual wage rate for PSE jobs and also provided the wage indices upon which the wage rates were based. The average wage rate mandated for Hawaii prime sponsors was \$6,635 based on a wage index of 89.5 percent for Honolulu City and County and 81.3 percent for the Balance-of-State (BOS) area. The lack of information on the data base used for deriving the wage indices and the apparent discrepancy between the indices and the annual average wage rates prompted Hawaii to request clarification on the methodology from the Department of Labor. The Department responded by expressing their mutual dissatisfaction with the inconsistencies of the data base but indicated that the methodology for determining the wage rates was Congressionally established and inviolable.

Although the high cost of living in Hawaii is nationally recognized, its effect on the national average annual wage rate, unfortunately, has been ignored. This results in several inconsistencies in the CETA program. For example, the poverty income guidelines issued by the Office of Management and Budget (OMB) and used as a criteria for CETA eligibility provide separate income guidelines for Hawaii which are 15 percent higher than the rest of the nation. Yet the average annual wage rate is \$6,635 for Hawaii is eight (8) percent lower than the average national standard of \$7,200. This creates the possible situation where a CETA participant with a family of four (4) could be employed in a PSE job, earn the mandated average of \$6,635, and remain at poverty level. In addition, the type of jobs with wages at that level would be dead-end, menial and routine. This would not seem to fulfill the purpose of providing training through temporary jobs to assist unemployed, disadvantaged persons to gain experience and skills to obtain full-time, unsubsidized work.

To equalize the effect of the higher cost of living in Hawaii, as compared to the rest of the nation, it is recommended that an exception be made for Hawaii whereby the same percentage adjustment is applied to the average annual wage rate or applied to the poverty income criteria. This would result in an average wage rate of approximately \$8,280. Although it represents an 11 percent lower wage rate than the average wage rate of \$9,288 reported in 1977-78, it would provide a consistent basis from which to operate the program and would also fulfill the intent of Congress in establishing lower average annual wage rates. The lower wage rate of \$8,280 would still present major problems in program operations, but would provide sufficient flexibility, albeit limited, to constitute a realistic challenge.

Your Committee amended the resolution by including information presented in testimony by the Department of Labor and Industrial Relations and by requesting that additional copies be sent to the Majority Leader of the United States Senate, Minority Leader of the United States Senate, Speaker of the United States House of Representatives, and

Minority Leader of the United States House of Representatives.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 565, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 565, H.D. 1.

Signed by all members of the Committee.

SCRep. 1013 Employment Opportunities and Labor Relations on H.R. No. 470

The purpose of this resolution is to support the Hawaii Coalition of Labor Organizations in their efforts to assist the workers of the J.P. Stevens and Company in their collective bargaining endeavors. It requests all citizens, institutions, and organizations of Hawaii to boycott the J.P. Stevens and Company products which are also marketed under other brand names such as Meadowbrook, Utica, Yves St. Laurent, Dinah Shore, Tastemaker, Fine Arts, Suzanne Pleshette, Angelo Donghia, Ava Bergmann, Cacharel, Hardy Amies, Snoopy Towels, Gulistan, and Forstmann.

Your Committee finds that J.P. Stevens has a long history of anti-labor activities extending far beyond the arena of legitimate labor operations. The Stevens companies have received repeated rulings from the National Labor Relations Board and the courts regarding its habitual and deliberate flouting of national labor laws. National Labor Relations Board and court order to halt its illegal labor practices have been flagrantly disregarded.

It is difficult to believe that in this day and age of enlightened labor laws and policies, a United States based employer can exhibit such a cavalier attitude toward its workers. The persistence the Stevens companies' violations of the right of workers to organize and bargain collectively in accordance with state and national laws and policies has resulted in thousands of men and women workers being subjected to unhealthy, and unsafe working conditions. There is no justification for these American workers to suffer work hazards such as harassment, arbitrary and capricious firings, racial discrimination, brown lung disease caused by cotton dust, and general exploitation. Moreover, the disregard of the Stevens companies of NLRB rulings and court orders is a disservice and works to undermine our entire judicial and legislative systems.

Your Committee is in agreement with those parties expressing support for this resolution. These include the State Department of Labor and Industrial Relations, the Amalgamated Clothing and Textile Workers Union-Local 809, Life of the Land, the Hawaii State Federation of Labor, Hawaii Council of Churches, National Organization for Women, Hawaii Building and Construction Trades Council, the I.L.W.U., the Hawaii Union of Socialists, the Oahu UPW Retirees Committee, the United Public Workers, the People Against Chinatown Evictions, and the Hawaii Alliance Against Racist and Political Repression.

Your Committee has amended this resolution to request the North Carolina, South Carolina, Georgia, Alabama, New York and Virginia State Legislatures and the celebrities and designers whose names and creations are used as product labels for Steven products to take appropriate action in support of the collective bargaining efforts of the J.P. Stevens' workers.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 470, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 470, H.D. 1.

Signed by all members of the Committee.

SCRep. 1014 Employment Opportunities and Labor Relations on H.C.R. No. 97

The purpose of this concurrent resolution is to support the Hawaii Coalition of Labor Organizations in their efforts to assist the workers of the J.P. Stevens and Company in their collective bargaining endeavors. It requests all citizens, institutions, and organizations of Hawaii to boycott the J.P. Stevens Company products which are also marketed under other brand names such as Meadowbrook, Utica, Yves St. Laurent, Dinah Shore, Tastemaker, Fine Arts, Suzanne Pleshette, Angelo Donghia, Ava Bergmann, Cacharel, Hardy Amies, Snoopy Towels, Gulistan, and Forstmann.

Your Committee finds that J.P. Stevens has a long history of anti-labor activities extending far beyond the arena of legitimate labor operations. The Stevens companies

have received repeated rulings from the National Labor Relations Board and the courts regarding its habitual and deliberate flouting of national labor laws. National Labor Relations Board and court order to halt its illegal labor practices have been flagrantly disregarded.

It is difficult to believe that in this day and age of enlightened labor laws and policies, a United States based employer can exhibit such a cavalier attitude toward its workers. The persistence the Stevens companies' violations of the right of workers to organize and bargain collectively in accordance with state and national laws and policies has resulted in thousands of men and women workers being subjected to unhealthy, and unsafe working conditions. There is no justification for these American workers to suffer work hazards such as harassment, arbitrary and capricious firings, racial discrimination, brown lung disease caused by cotton dust, and general exploitation. Moreover, the disregard of the Stevens companies of NLRB rulings and court orders is a disservice and works to undermine our entire judicial and legislative systems.

Your Committee is in agreement with those parties expressing support for this concurrent resolution. These include the State Department of Labor and Industrial Relations, the Amalgamated Clothing and Textile Workers Union-Local 809, Life of the Land, the Hawaii State Federation of Labor, Hawaii Council of Churches, National Organization for Women, Hawaii Building and Construction Trades Council, the I.L.W.U., the Hawaii Union of Socialists, the Oahu UPW Retirees Committee, the United Public Workers, the People Against Chinatown Evictions, and the Hawaii Alliance Against Racist and Political Repression.

Your Committee has amended this concurrent resolution to request the North Carolina, South Carolina, Georgia, Alabama, New York and Virginia State Legislatures and the celebrities and designers whose names and creations are used as product labels for Steven products to take appropriate action in support of the collective bargaining efforts of the J.P. Stevens' workers.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.C.R. No. 97, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 97, H.D. 1.

Signed by all members of the Committee.

SCRep. 1015 Culture and the Arts on H.R. No. 487

The purpose of this resolution is to request the Governor to officially proclaim the week of November 12-18 dedicated to the memory of King David La'amea Kalakaua.

The history and ethnic traditions of the Hawaiian people have been a source of dignity and pride for their descendants. While this dignity and pride are rooted in the Monarchical Period of Hawaiian history, certain rulers are noted for specific contributions that are still evident today.

King David La'amea Kalakaua epitomized the high ideals and standards of an enlightened monarch. Under his rule, Hawaii's image grew to international proportions. He accomplished this by achieving the objectives he set for his government in commerce and agriculture. Equally important, King Kalakaua revived and protected the philosophies, customs, lore, music and dances of ancient Hawaii long stifled by the missionary influence.

Your Committee on Culture and the Arts concurs with the intent and purpose of H.R. No. 487 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1016 Agriculture on H.R. No. 513

The purpose of this resolution is to request appropriate governmental agencies to refrain from imposing additional environmental requirements that would lead to preventable cost increases for the Hilo Coast Processing Company.

It is a well-known and established fact that since the termination of the United States Sugar Act in 1974, virtually all sugarcane producers in Hawaii and in the continental United States have sustained continuing financial setbacks. Because of the mounting financial losses from sugarcane production, many members of the Hilo Coast Processing

Company have been forced to terminate or abandon their cane farms.

Your Committee finds that unreasonable enforcement of additional environmental standards can result in large expenditures which may provide minimal environmental benefits, at a time when the industry can ill afford to waste resources. Every reasonable effort should be made to support entities such as the Hilo Coast Processing Company within limits of the law to aid and enhance their economic viability.

Your Committee has heard testimony from several sources including the Hawaii Farm Bureau Federation and the Hawaii Sugar Planters' Association, in support of the intent and purpose of this resolution.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 513 and recommends its adoption.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1017 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 384

The purpose of this resolution is to favor and support the retention of the waterfront property along Waialae-Kahala and Diamond Head as residential and noncommercial areas.

It has been proposed that the waterfront property in Kahala and around Diamond Head be converted to hotel/apartment use. This property and its adjoining neighborhood are quiet, single-family zoned areas. The conversion to hotel use will create considerable undesirable noise pollution and congestion to this residential area. In addition, the conversion of zoning to hotel use on the makai side of Kahala Avenue will bring pressure to bear to rezone the mauka side to hotel or commercial use, thereby causing degradation of adjacent surrounding areas where long term residents are currently in the process of acquiring fee title.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 384 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1018 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 177 (Majority)

The purpose of this resolution is to request the appropriate House standing committees to examine the feasibility of the United States Army and Navy allowing the general public to utilize, whether on a partially or fully open basis, the Leilehua Golf Course and the Navy-Marine Golf Course.

Your Committee finds that the sport of golf requires a large expanse of land for the layout of a normal eighteen-hole course and that only a limited number of persons may comfortably play at one given time. The Hawaii State Comprehensive Outdoor Recreation Plan, published in 1975, indicated that the City and County of Honolulu requires more golf courses to satisfy the demands of its golfers. Your Committee also finds that high land costs and limited government funds may possibly preclude the layout of additional golf courses and that existing golf courses must be used with greater efficiency before any commitment is made to the construction of future golf courses, which require a great deal of capital and land for construction.

The military currently maintains two golf courses on Oahu, both of which are generally closed to the public. Your Committee further finds that the intermingling of the general public with military personnel on these courses may alleviate alleged social tension and promote greater understanding and interactions between both segments of the community, as well as alleviate some of the demands of Honolulu's golfers without necessitating the construction of more courses.

Your Committee on Water, Land Use, Development, and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 177 and recommends its adoption.

Signed by all members of the Committee.
(Representative Larsen did not concur.)

SCRep. 1019 Water, Land Use, Development and Hawaiian Affairs on H.C.R.
No. 11 (Majority)

The purpose of this concurrent resolution is to request the United States Army and Navy to consider allowing the general public to utilize, whether on a partially or fully open basis, the Leilehua Golf Course and the Navy-Marine Golf Course.

Your Committee finds that the sport of golf requires a large expanse of land for the layout of a normal eighteen-hole course and that only a limited number of persons may comfortably play at one given time. The Hawaii State Comprehensive Outdoor Recreation Plan, published in 1975, indicated that the City and County of Honolulu requires more golf courses to satisfy the demands of its golfers. Your Committee also finds that high land costs and limited government funds may possibly preclude the layout of additional golf courses and that existing golf courses must be used with greater efficiency before any commitment is made to the construction of future golf courses, which require a great deal of capital and land for construction.

The military currently maintains two golf courses on Oahu, both of which are generally closed to the public. Your Committee further finds that the intermingling of the general public with military personnel on these courses may alleviate alleged social tension and promote greater understanding and interactions between both segments of the community, as well as alleviate some of the demands of Honolulu's golfers without necessitating the construction of more courses.

Your Committee on Water, Land Use, Development, and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 11 and recommends its adoption.

Signed by all members of the Committee.
(Representative Larsen did not concur.)

SCRep. 1020 Youth and Elderly Affairs on H.R. No. 515

The purpose of this Resolution is to have the House of Representatives join the United Nations in directing attention to the needs of children in Hawaii and throughout the world; to reaffirm legislative recognition and support of the rights of children; to urge all appropriate public and private agencies in Hawaii to join the United Nations in recognizing 1979 as the International Year of the Child; and to commend organizations for their support of the International Year of the Child.

In testimony before your Committee it was pointed out that, in addition to the agencies commended in the Resolution, some 140 other agencies and organizations have pledged their support of the International Year of the Child and are dedicating at least one major activity in 1979 to our youth. Your Committee believes these agencies and organizations should be commended by receiving a certified copy of this Resolution and to that end has prepared a current mailing list.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of H.R. No. 515 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1021 Youth and Elderly Affairs on H.C.R. No. 119

The purpose of this Concurrent Resolution is to have the Hawaii State Legislature join the United Nations in directing attention to the needs of children in Hawaii and throughout the world; to reaffirm legislative recognition and support of the rights of children; to urge all appropriate public and private agencies in Hawaii to join the United Nations in recognizing 1979 as the International Year of the Child; and to commend organizations for their support of the International Year of the Child.

In testimony before your Committee it was pointed out that, in addition to the agencies commended in the Concurrent Resolution, some 140 other agencies and organizations have pledged their support of the International Year of the Child and are dedicating at least one major activity in 1979 to our youth. Your Committee believes these agencies and organizations should be commended by receiving a certified copy of this Concurrent Resolution and to that end has prepared a current mailing list.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose

of H.C.R. No. 119 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1022

Finance on H.R. No. 131

The purpose of this resolution is to request the attorney general to review the laws and policies relating to the confidentiality of juvenile offender records.

A centralized information sharing within the State Juvenile Justice System can be of significant benefit to all agencies dealing with juvenile offenders. However, before a centralized juvenile information system can be considered, your Committee agrees that a review of the laws and policies relating to juvenile offender records is needed.

This Resolution further requests the department of the attorney general to submit its findings and recommendations relating to the confidentiality of juvenile records to the House of Representatives prior to the convening of the Regular Session of 1980.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 131, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1023

Finance on H.R. No. 324

The purpose of this resolution is to request review of present state recruitment and hiring practices to determine the need for greater coordination between state agencies, thereby ensuring the greatest effectiveness and efficiency in the recruitment of personnel.

Your Committee finds that there currently exists a shortage of qualified professionals in the health care field, particularly in rural communities throughout the State. To alleviate the situation the County/State Hospital Division recently undertook a comprehensive recruitment campaign by placing advertisements in various local and Mainland newspapers and professional journals.

Other efforts to obtain qualified medical personnel are continuing at the present time with close coordination between federal, state and county agencies. For example, the Department of Personnel Services with the assistance of the Department of Labor is in the process of hiring Canadian nurses, and with the Governor's approval several of the nurse classes were declared to be in the shortage category, thereby enabling the Department of Personnel Services to recruit at above the minimum salary range.

To further identify and resolve these problems, a task force consisting of representatives from the Department of Personnel Services, the Department of Health, the University of Hawaii, the Department of Regulatory Agencies, and the Department of Budget and Finance has recently been created and is now meeting to discuss and formulate appropriate corrective measures. Action taken to date includes the amendment of licensing regulations to facilitate the hiring of experienced nurses and the introduction of various legislative measures recommended for adoption this session. The task force should be further expanded. This resolution therefore requests the task force to review present state recruitment and hiring practices to determine the need for greater coordination between the Department of Budget and Finance, the Department of Personnel Services, and the other state agencies to ensure the greatest efficiency and effectiveness. The task force is asked to make recommendations as to long range plans in this area, including proposed remedial legislation if necessary.

Your Committee has amended the resolution to clarify the problems encountered by County/State hospitals in recruiting health professionals stems not only from the shortage of such personnel in the state, but also due to working conditions which deter qualified professionals from accepting positions with the County/State hospitals, especially in rural areas.

Your Committee finds that Hawaii has approximately 8,000 registered nurses, but only half of them are employed in their profession. It is believed that various undesirable conditions of work, and the lack of desire to work in rural areas because of problems such as finding adequate housing and cost of transportation, contribute to the recruiting problems encountered by County/State hospitals. These are major concerns which your Committee believes this task force should address.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 324, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 324, H.D. 2.

Signed by all members of the Committee.

SCRep. 1024 Finance on H.R. No. 37

The purpose of this resolution is to request the University of Hawaii to review the recommendations contained in the 1973 legislative auditor's report on the University faculty workload to assess the degree of conformity in spirit and actual compliance by the University of Hawaii.

An audit of the University of Hawaii's faculty workload was conducted prior to the Regular Session of 1973. The data base for the 1973 audit on faculty workload differed from the University's methodology in measuring and quantifying faculty workload. Whatever policies and practices governing faculty workload which existed, could not be articulated by the University with any clarity or consistency given the difference between the data base used in the study and the methodology of the University's management procedures at that time.

Since then, a computerized reporting procedure on workloads, overloads, and stipends has been developed, so that data can be produced with greater efficiency and effectiveness. However, while the methodological difference between the University and the data base used in the audit has been resolved, there is still need for clear and consistent articulation of University policies. Your Committee agrees that there is also a need to determine which aspects of the faculty workload issue are subject to collective bargaining.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 37, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1025 Finance on H.C.R. No. 7

The purpose of this concurrent resolution is to request Congress to increase funds so the vocational/social rehabilitation services in Hawaii may receive adequate funding.

The State of Hawaii provides vocational rehabilitation services to people suffering from congenital health or injury disability so that they may obtain or return to gainful employment or to attain the optimum level of personal or social functioning within the limitation of their handicapping condition.

The major source of funds to provide this assistance is the Vocational Rehabilitation Act of 1973, as amended, and Title XX-Social Security Act. However funds have been very limited and only 10% of the persons needing vocational/social rehabilitation assistance can be serviced.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 7, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1026 Finance on H.C.R. No. 24

The purpose of this concurrent resolution is to request the Office of Children and Youth to study the need for after-school programs for elementary school-aged children and to determine the resource requirements for a similar study of intermediate and high school-aged children and to report its findings and recommendations to the Legislature prior to the 1980 Regular Session.

Your Committee agrees that the extent and nature of after-school programs must be explored to determine if they are a solution to meeting the needs of children.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 24, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1027 Transportation on H.R. No. 95

The purpose of this resolution is to request the Department of Transportation (DOT) to identify the three hundred miles of County Highways which are expected to be transferred to the state highway system and the funding requirements for the transfer.

Your Committee notes that according to the DOT, some of the roads identified in a preliminary investigation were seldom used and partially unimproved. Your Committee would like to recommend that DOT give special consideration to the first three whereas clauses, which declares that the State should take the responsibility of heavily-used and expensive-to-maintain highways. Your Committee would like to emphasize the integration of those highways which serve the primary needs of the people of Hawaii.

Your Committee recommends amending this resolution to extend the deadline for the DOT to submit the requested material from twenty days prior to the adjournment of the Regular Session of 1979 to twenty days prior to the adjournment of the Regular Session of 1980.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 95, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 95, H.D. 1.

Signed by all members of the Committee.

SCRep. 1028 Transportation on H.R. No. 536

The purpose of this resolution is to request that the Department of Transportation (DOT) study alternative methods of financing needed capital improvements of the Harbors Division and report its findings and recommendations to the 1980 Regular Session of the Legislature.

The DOT testified that all sources of revenue will be reviewed including the equitability of present fees and increases, and their effect on all users of the State's harbors. However, even though the study will be conducted, the rate increase in 1980 is still necessary.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 536 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1029 Transportation on H.R. No. 98

The purpose of this resolution is to develop a long-term funding alternative for the State Highway fund.

The Statewide Transportation Plan of the Statewide Transportation Council and the Department of Transportation (DOT) project that the State Highway fund, which is used to construct and maintain highways, may prove insufficient by 1984. The Plan states that the major problem with the State Highway fund results from inflation, which caused a doubling in the index for highway construction since 1967, and the fixed nature of the user taxes which are not adjusted for inflation.

Your Committee notes that the DOT has offered to assist the Legislative Auditor in developing long-term funding alternatives for the State Highway fund.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 98 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1030 Transportation on H.C.R. No. 126

The purpose of this concurrent resolution is to develop a long-term funding alternative for the State Highway fund.

The Statewide Transportation Plan of the Statewide Transportation Council and

the Department of Transportation (DOT) project that the State Highway fund, which is used to construct and maintain highways, may prove insufficient by 1984. The Plan states that the major problem with the State Highway fund results from inflation, which caused a doubling in the index for highway construction since 1967, and the fixed nature of the user taxes which are not adjusted for inflation.

Your Committee notes that the DOT has offered to assist the Legislative Auditor in developing long-term funding alternatives for the State Highway fund.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 126 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1031 Transportation on H.C.R. No. 120

The purpose of this concurrent resolution is to request the acquisition of federal grants for bicycle projects under the Federal-Aid Highway Act of 1978.

In 1978 the United States Congress authorized \$20 million under the Federal-Aid Highway Act for expansion of the bicycle transportation system. Although the monies have been authorized, the Federal Highway Administration has not formulated any guidelines for disbursement of funds thus the funds are not available for use at the present time.

Your Committee recommends that the DOT coordinate activities to acquire the maximum amount of funds from the bicycle project provision.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 120 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1032 Transportation on H.R. No. 516

The purpose of this resolution is to request the acquisition of federal grants for bicycle projects under the Federal-Aid Highway Act of 1978.

In 1978 the United States Congress authorized \$20 million under the Federal-Aid Highway Act for expansion of the bicycle transportation system. Although the monies have been authorized, the Federal Highway Administration has not formulated any guidelines for disbursement of funds thus the funds are not available for use at the present time.

Your Committee recommends that the DOT coordinate activities to acquire the maximum amount of funds from the bicycle project provision.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 516 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1033 Legislative Management

Informing the House that House Resolution Nos. 682 to 684 and Standing Committee Report Nos. 1034 to 1037, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1034 Higher Education and Tourism on H.R. No. 77

The purpose of this Resolution is to request that the appropriate House standing committees review the status of implementing the findings of the Office of the Hawaii State Director for Vocational Education's "Curriculum Guide for Hospitality Education" with particular attention to the adoption of a standardized statewide curriculum for the community colleges.

Your Committees note that the phrase "hospitality industry" has come into vogue in recent years and according to a definition of the phrase appearing in a multi-volume report, entitled "Curriculum Guide for Hospitality Education", the phrase "hospitality industry" includes those sectors of the general economic environment that operate to meet lodging, vacation, business, and recreational needs of visitors and the resident population, and specifically includes hotels, eating and drinking establishments, travel and tour services, and air transportation.

Your Committees are fully aware that the hospitality industry is essentially synonymous with the terms "visitor industry" or "tourist industry" but in addition, underscores the importance of "hospitality" as a concept that is most appropriate for Hawaii, noted throughout the world for not only its natural beauty but also for the warmth and friendliness and indeed, the hospitality, of its people.

Your Committees are also cognizant of the recent projections that indicate the hospitality industry will continue to grow at the rate of 10-20 per cent annually, thus requiring a continuing pool of trained manpower to meet the diverse needs of the hospitality industry.

Your Committees, therefore, are aware that the community colleges will be an important part of the training effort to produce qualified persons desiring employment in the hospitality industry.

Your Committees have amended the Resolution to have an interim committee appointed by the Speaker of the House of Representatives carry out the requests and submit their findings and recommendations 20 days prior to the opening of the Regular Session of 1980.

Your Committees on Higher Education and Tourism concur with the intent and purpose of H.R. No. 77, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 77, H.D. 1.

Signed by all members of the Committees except Representative Marumoto.

SCRep. 1035 Higher Education and Tourism on H.R. No. 75

The purpose of this Resolution is to request that the appropriate House standing committees review the status and problems with respect to the implementation of the hospitality instruction program of the Leeward, Honolulu, Kapiolani, Maui, and Hawaii Community Colleges and examine the feasibility and efficacy of the recommendations for developing and coordinating hospitality education as contained in Parts II and III of the "Curriculum Guide for Hospitality Education".

Your Committees are fully aware of the needs of an effective training program to produce the labor force needed to satisfy the diverse requirements of the hospitality industry.

Your Committees further believe that standardization in hospitality education can lead to various beneficial outcomes such as facilitation of transfers by students between and among the various community colleges offering instruction in hospitality education, and by assuring both students and the industry that successful graduates will be able to meet job requirements in any part of the State.

Your Committees have amended the Resolution to have an interim committee appointed by the Speaker of the House of Representatives prepare the study requested. The interim committee shall submit their findings and recommendations to the legislature at least 20 days prior to the opening of the Regular Session of 1980.

Your Committees on Higher Education and Tourism concur with the intent and purpose of H.R. No. 75, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 75, H.D. 1.

Signed by all members of the Committees except Representative Marumoto.

SCRep. 1036 Higher Education and Tourism on H.R. No. 74

The purpose of this Resolution is to request that the appropriate House standing

committees review the School of Travel Industry Management's progress and problems encountered including appropriate recommendations for resolving any problems which are hampering the effective performance of the School in achieving its designated objectives.

Your Committees are fully cognizant that the travel industry has long held a role of importance in Hawaii and in recent years has emerged as the most important industry in the State through the generation of nearly one and one-half billion dollars in visitor expenditures alone.

Your Committees also note that the School of Travel Industry Management has been and will continue to be a significant factor in the growth of our important visitor and hospitality industry and is deserving of appropriate commendation.

Your Committees, however, feel strongly that with the anticipated growth of the travel and hospitality industry, a continuing pool of qualified management personnel in both general management and in specialized areas will be required.

Your Committees, therefore, strongly feel that the School's capital improvement priorities within the University budget have received unfair treatment and ranking and have not received proper support of the University Administration. All Travel Industry Management projects should be re-evaluated and given higher priorities as requested by the legislature.

Your Committees have amended the Resolution to have an interim committee appointed by the Speaker of the House of Representatives address the review requested. Your Committees have further amended the Resolution to have the interim committee submit their report to the legislature 20 days prior to the opening of the Regular Session of 1980. The Resolution has been further amended by omitting the final two "WHEREAS" clauses which could not be substantiated.

Your Committees on Higher Education and Tourism concur with the intent and purpose of H.R. No. 74, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 74, H.D. 1.

Signed by all members of the Committees except Representative Marumoto.

SCRep. 1037

Ocean and Marine Resources on H.R. No. 474

The purpose of this Resolution is to provide guidelines for implementation of Article XI of the Constitution of the State of Hawaii which provides for the licensing of mariculture operations in the ocean waters of the State.

Testimony before your Committee by the Department of Land and Natural Resources, the Department of Planning and Economic Development, and the Marine Affairs Coordinator, in support of this Resolution, states that the issue of licensing mariculture operations is a complex issue that must be approached cautiously. The formulation of guidelines for licensing and regulating mariculture operations will require information obtained by extensive and original research or by extraction from a diverse array of existing studies.

Your Committee finds that the formulation of these guidelines will require addressing such factors as a resource inventory, ownership of resources, the scope of mariculture operations, potential species for mariculture operations and potential markets for sale of these species.

Your Committee further finds that responsible guidelines must also maintain the rights of the public to free and unfettered use of the ocean for recreation, commerce and navigation.

Your Committee further recognizes the fact that information for the assessment of the above mentioned areas is not sufficient or currently available in many instances.

For the purpose of clarification, your Committee has made the following amendments:

- (1) eliminated the fourth "WHEREAS" section.
- (2) added three new "WHEREAS" sections which reads:

- (a) WHEREAS, Article XI provides that all fisheries in the sea waters of the state shall be free to the public, subject to vested rights and state regulation.
- (b) WHEREAS, Article XI permits the state to exclude licensed maricultural operations from these public fisheries, provided that the maricultural operations are established under guidelines enacted by the legislature.
- (c) WHEREAS, Article XI provides that the legislative guidelines should include, but not be limited to, protection of the public's use and enjoyment of the reefs.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 474, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 474, H.D. 1.

Signed by all members of the Committee.

SCRep. 1038

Higher Education on H.R. No. 581

The purpose of this resolution is to request that the University of Hawaii, together with the Department of Budget and Finance, conduct a study to determine overhead needs connected with research and training projects of the University of Hawaii. The scope of the study should include (1) matching moneys required by federal granting agencies; (2) repair, maintenance, and replacement of research equipment; (3) emergency needs unforeseen in budget preparation; (4) development support for new research and training; and (5) revolving funds required to adequately support research and training at the University of Hawaii. The resolution requests the University to report its findings prior to the convening of the 1980 Session.

"Overhead" is a research support mechanism which ensures that a portion of the actual funds expended in conducting research and training is returned to the State.

Funding for research and training grants and contracts is divided in two parts. The first is for "direct" expenses which cover the salaries and fringe benefits of technicians involved in the project, supplies and equipment necessary to carry on the research project, publication and travel costs and other related expenses. Moneys to support these activities are provided directly by the grants and contracts.

The second part of research and training funds is for "indirect" expenses which include the numerous administrative and overhead expenses such as payroll and accounting, clerical support services, facilities and equipment maintenance and repairs, utilities and janitorial services, library facilities and services, and general office equipment and supplies. Federal policies and guidelines require that "indirect" expenses be recovered by the University through the "indirect overhead" reimbursements made by the federal government. Stated another way, only moneys actually spent for "indirect" costs are recoverable by the State.

At a House Higher Education Committee hearing held on February 21, 1979, on House Bills 339 and 1647 (both relating to Section 304-8.1 of the Hawaii Revised Statutes), the University indicated that more precise information is needed to ascertain the University's support requirements relative to its research and training programs. This thorough assessment and analysis would be conducted with the help of experienced consultants and experts who have made similar studies at other universities.

The need for such a study was underscored by the statements of numerous researchers and principal investigators present at that hearing. Based upon the discussion which followed, your Committee found that disagreements between those involved in research and those involved in the administration of research funds were, in large part, due to the complexity of the reimbursement process as well as to the lack of adequate support funds.

For these reasons, your Committee has recommended the study as set forth in House Resolution No. 581 and House Concurrent Resolution No. 141, both heard publicly on March 28, 1979.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 581 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1039

Higher Education on H.C.R. No. 141

The purpose of this concurrent resolution is to request that the University of Hawaii, together with the Department of Budget and Finance, conduct a study to determine overhead needs connected with research and training projects of the University of Hawaii. The scope of the study should include (1) matching moneys required by federal granting agencies; (2) repair, maintenance, and replacement of research equipment; (3) emergency needs unforeseen in budget preparation; (4) development support for new research and training; and (5) revolving funds required to adequately support research and training at the University of Hawaii. The concurrent resolution requests the University to report its findings prior to the convening of the 1980 Session.

"Overhead" is a research support mechanism which ensures that a portion of the actual funds expended in conducting research and training is returned to the State.

Funding for research and training grants and contracts is divided in two parts. The first is for "direct" expenses which cover the salaries and fringe benefits of technicians involved in the project, supplies and equipment necessary to carry on the research project, publication and travel costs and other related expenses. Moneys to support these activities are provided directly by the grants and contracts.

The second part of research and training funds is for "indirect" expenses which include the numerous administrative and overhead expenses such as payroll and accounting, clerical support services, facilities and equipment maintenance and repairs, utilities and janitorial services, library facilities and services, and general office equipment and supplies. Federal policies and guidelines require that "indirect" expenses be recovered by the University through the "indirect overhead" reimbursements made by the federal government. Stated another way, only moneys actually spent for "indirect" costs are recoverable by the State.

At a House Higher Education Committee hearing held on February 21, 1979, on House Bills 339 and 1647 (both relating to Section 304-8.1 of the Hawaii Revised Statutes), the University indicated that more precise information is needed to ascertain the University's support requirements relative to its research and training programs. This thorough assessment and analysis would be conducted with the help of experienced consultants and experts who have made similar studies at other universities.

The need for such a study was underscored by the statements of numerous researchers and principal investigators present at that hearing. Based upon the discussion which followed, your Committee found that disagreements between those involved in research and those involved in the administration of research funds were, in large part, due to the complexity of the reimbursement process as well as to the lack of adequate support funds.

For these reasons, your Committee has recommended the study as set forth in House Resolution No. 581 and House Concurrent Resolution No. 141, both heard publicly on March 28, 1979.

Your Committee on Higher Education concurs with the intent and purpose of H.C.R. No. 141 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1040

Higher Education on H.R. No. 554

The purpose of this resolution is to request that the Board of Regents of the University of Hawaii, in coordination with the University Administration, investigate the feasibility of offering an Associate of Arts and/or Baccalaureate Degree Program in film-making and television.

Film-making and television industries have a definite impact on the State's economy through increased revenues and employment. According to the Head of the Hawaii Film Office of the Department of Planning and Economic Development, in 1978 motion picture productions grossed \$45 million, generated \$2.04 million in tax revenues, and employed 1,610 residents. The Department of Labor and Industrial Relations reported that one television series contributed an estimated \$9 million to the State's economy.

The ever-expanding, film-making and television industries are in great need of well-qualified personnel. The lack of skilled technicians and artisans in Hawaii has forced the importation of qualified individuals.

The establishment of a degree-granting program will fill this vast need by providing students training and experience, thereby upgrading skills to strengthen Hawaii's potential for continual growth as a major motion picture and television production center.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 554 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1041 Legislative Management

Informing the House that House Resolution Nos. 685 to 701, House Concurrent Resolution Nos. 165 to 169, and Standing Committee Report Nos. 1038 to 1040, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1042 Housing on H.R. No. 626

The purpose of this resolution is to transfer jurisdictional authority, including renovation, refurbishing, and maintenance, of the three teachers' cottages at Honokaa School to the Department of Accounting and General Services (DAGS), who is requested to authorize the Brantley Center, Inc., to use the cottages for its handicapped adult residential training program, and to request that the DAGS prepare a cost study and plans for renovating the three cottages, in coordination with the Brantley Center, Inc.

The Brantley Center, Inc., is a nonprofit corporation which serves the population of disabled persons between the North Kohala and North Hilo regions. It offers evaluation and training programs, sheltered employment opportunities, and a work activities center, and is launching an adult residential training program designed to foster increased independence among their clients. The Brantley Center, however, has encountered difficulties in locating facilities suitable for implementing this program.

Your Committee finds that within the Honokaa community where the Brantley Center is located are three vacant cottages formerly used by school teachers which the DOE expects to phase out of their program between 1980 and 1983, and that with renovation and refurbishing, the three cottages would provide excellent facilities for housing the Brantley Center's new program.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 626 and recommends that it be referred to the Committee on Education.

Signed by all members of the Committee.

SCRep. 1043 Health and Education on H.R. No. 511

The purpose of this resolution is to request the Department of Accounting and General Services to conduct a survey to identify and remove building materials containing asbestos from public school classrooms.

The potential health threat that airborne asbestos fibers poses has just recently been recognized. Asbestos fiber suspended in air can be inhaled and may lead to serious lung and respiratory diseases. Sprayed-on material containing asbestos on ceilings presents the primary potential health hazard.

Your Committees have amended the resolution as follows:

1. By recognizing the coordination of the State departments involved and their respective responsibilities;
2. By focusing the study on ceilings utilizing sprayed-on asbestos bearing material;

3. By eliminating only those conditions which are determined to be potentially dangerous;
4. By indicating that airborne sampling tests shall be the method by which potentially dangerous conditions are determined; and
5. By keeping the study and actions taken to eliminate potential hazards within the respective departments' financial resources.

Your Committees on Health and Education concur with the intent and purpose of H.R. No. 511, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 511, H.D. 1.

Signed by all members of the Committees.

SCRep. 1044 Housing on H.R. No. 597

The purpose of this resolution is to request that the Hawaii Housing Authority and the Department of Land and Natural Resources initiate the planning and development of a second increment to the Kahei Houselots Subdivision.

The Kahei Houselots Subdivision, a State sponsored housing development which currently includes 37 newly constructed homes in the Kohala region, has received 80 applications for the purchase of the 37 available homes.

Your Committee finds that after the 37 existing units are sold, many of the applicants who are qualified for purchasing HHA housing will continue to have unmet housing needs, and that these needs will be intensified in the existing Kahei subdivision by the development of South Kohala's potential as a visitor destination area in the near future.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 597 and recommends that it be referred to the Committee on Water, Land Use Development and Hawaiian Affairs.

Signed by all members of the Committee.

SCRep. 1045 Housing on H.C.R. No. 145

The purpose of this concurrent resolution is to request that the Hawaii Housing Authority and the Department of Land and Natural Resources initiate the planning and development of a second increment to the Kahei Houselots Subdivision.

The Kahei Houselots Subdivision, a State sponsored housing development which currently includes 37 newly constructed homes in the Kohala region, has received 80 applications for the purchase of the 37 available homes.

Your Committee finds that after the 37 existing units are sold, many of the applicants who are qualified for purchasing HHA housing will continue to have unmet housing needs, and that these needs will be intensified in the existing Kahei subdivision by the development of South Kohala's potential as a visitor destination area in the near future.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 145 and recommends that it be referred to the Committee on Water, Land Use Development and Hawaiian Affairs.

Signed by all members of the Committee.

SCRep. 1046 Transportation on H.R. No. 434

The purpose of this resolution is to request the Department of Transportation to study the feasibility of establishing contra-flow lanes at selected locations on the Pali highway during peak hours.

In addition to studying the feasibility of establishing contra-flow lanes on the Pali Highway, your committee has amended this resolution to include the Likelike Highway,

both of which are Trans-Koolau highways. Within the last few years, there have been significant increases in vehicular traffic on the Trans-Koolau highways traffic tie-ups and congestion occur almost daily during peak traffic hours and adversely affect traffic flow on adjacent freeways and roads. The establishment of contra-flow lanes at selected locations on the highways should serve to alleviate some of the existing traffic problems.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 434, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 434, H.D. 1.

Signed by all members of the Committee.

SCRep. 1047 Transportation on H.R. No. 604

The purpose of this resolution is to request the Department of Transportation (DOT) to reconstruct the culvert to provide a safe and adequate turning radius at Hawaii Belt Road and Kulaimano Homestead Road and to provide guardrails along the makai side of Hawaii Belt Road.

Your Committee notes that the DOT is in concurrence with this resolution and has amended this resolution to request the DOT to submit a report to the Legislature on the status of these improvements prior to the convening of the Regular Session of 1980.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 604, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 604, H.D. 1.

Signed by all members of the Committee.

SCRep. 1048 Transportation on H.R. No. 605

The purpose of this resolution is to request the Department of Transportation (DOT) to reconstruct the intersection at Hawaii Belt Road and the Honokaa/Waipio Road in the Hamakua district to meet current intersection standards.

Your Committee notes that according to the DOT, there are a number of intersections which have higher priority for improvement based on a high accident rate. However, because of the unconventional nature of this particular intersection, the DOT is in favor of the improvement.

Your Committee recommends that the DOT do further study on this intersection and has amended this resolution to request the DOT to submit a report of this study to the Legislature prior to the convening of the Regular Session of 1980.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 605, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 605, H.D. 1.

Signed by all members of the Committee.

SCRep. 1049 Legislative Management

Informing the House that House Resolution Nos. 702 to 710, House Concurrent Resolution Nos. 170 and 171, and Standing Committee Report Nos. 1042 to 1048, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1050 Legislative Management

Informing the House that House Resolution Nos. 711 to 755 and House Concurrent Resolution Nos. 172 to 179, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1051 Housing and Consumer Protection and Commerce on H.R. No. 186

The purpose of this Resolution is to request that the appropriate House Committee examine the advantages and disadvantages of imposing a land speculation tax in Hawaii.

Your Committees find that land values in Hawaii have rapidly escalated in recent years, and that this has resulted in an increase in the size of the "gap group". This increase in land value has been said to be attributable in part to speculators who purchase properties with the expectation of selling at higher future prices.

Your Committees further find that the scope of this study should not be limited to the effects of the tax only in Vermont and Ontario, and has made amendments to reflect this intent.

Your Committees have also amended this bill to request that the Committee on Housing report to the House of Representatives twenty days prior to the opening of the 1980 Regular Session, to allow the Committee time for research during the interim period.

Your Committees on Housing and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 186, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. 186, H.D. 1.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1052 Energy on H.R. No. 670

The purpose of this resolution is to request that the House Energy Committee conduct an interim study on the present status of and obstacles to the commercialization of alternate energy sources.

This study was initiated by the House Subcommittee on Alternate Energy Development. The Subcommittee held an information-gathering hearing on March 2, 1979. Many worthwhile proposals and recommendations were submitted by representatives of State government, County government and private industry who attended this hearing. Your Committee feels that these proposals warrant further study.

Your Committee on Energy concurs with the intent and purpose of H.R. No. 670, and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1053 Youth and Elderly Affairs on H.R. No. 573

The purpose of this Resolution is adequately summarized in the title. A report to the Legislature is required prior to the next Regular Session.

In its testimony at the hearing on this Resolution the Executive Office on Aging assured your Committee of its willingness to work with County Area Agencies on Aging and other agencies serving the elderly in order to complete the requested review.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of H.R. No. 573 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1054 Water, Land Use, Development and Hawaiian Affairs and
Judiciary on H.R. No. 183

The purpose of this resolution is to request the appropriate House committees to review the constitutional amendments relating to water resources management which are contained in Article XI, Section 7 of the Hawaii State Constitution and in Section 221(f) of the Hawaiian Homes Commission Act, 1920, as amended, to determine the most appropriate way of implementing the amendments and to report their findings and recommendations to the House of Representatives twenty days before the convening of the regular session of 1980.

Article XI, Section 7 calls for the establishment of an agency having overall regulatory authority over the use of water resources of the State, and provides that the State has an obligation to protect, control and regulate the use of Hawaii's water resources for the benefit of its people. Section 221(f) of the Hawaiian Homes Commission Act, 1920, as amended, provides that water systems in the exclusive control of the department shall remain under its exclusive control.

Your Committees heard testimony from the Department of Land and Natural Resources and from the Office of the Director, Environmental Center of the University of Hawaii at Manoa. Water resources management is an extremely complex matter, and there is much diversity of opinion as to how water use regulation should take place and water policies be established. One such opinion for your Committees to consider is the report of the State Water Commission entitled "Water Policies for Hawaii" (Report to the Governor, Preliminary Draft, Oct. 20, 1978). Four bills relating to the constitutional amendments were introduced in the legislature this session: H.B. No. 1038, H.B. No. 1061, S.B. No. 39, and S.B. No. 40. These bills are being held for consideration in the next legislative session, and your Committees believe that these bills merit thoughtful deliberation.

Your Committees have amended this resolution by providing that the review of the 1978 constitutional amendments relating to water resource management be considered and reported to the House of Representatives twenty days before the convening of the regular session of 1980, rather than prior to the adjournment of the 1979 regular session. Your Committees feel that this amendment to H.R. No. 183 is necessary to give the review the proper consideration and deliberation it deserves.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Judiciary concur with the intent and purpose of H.R. No. 183, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 183, H.D. 1.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1055

Public Employment and Government Operations on H.R. No. 368

The purpose of this resolution is to request a study of the feasibility of establishing a legislative teleconference network in Hawaii.

Your Committee finds that Hawaii is an island state and is unique in that its major population centers are dispersed over a wide geographical area. Requiring the Legislature to convene in Honolulu thus limits the participation of Neighbor Island and rural citizens in the governmental process. Your Committee further finds that similar problems exist in the State of Alaska with respect to reaching individuals in remote areas, and that this situation has been alleviated through the establishment of a legislative teleconference network, thereby affording citizens a greater opportunity to interact and participate in government.

Your Committee believes that establishment of such a system will encourage more direct citizen participation in the legislative process, reduce the cost of government and improve the relationship between government and the people.

H.R. No. 368 therefore requests that the Department of Planning and Economic Development study the feasibility of establishing a legislative teleconference network in Hawaii similar to that of Alaska's. Testimony received from the Director of the Department of Planning and Economic Development and various private individuals was supportive of the measure.

Your Committee believes that the Legislative Reference Bureau is the most appropriate body to conduct such a review, and has amended the resolution accordingly.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 368 as amended herein, and recommends it be referred to the Committee on Finance in the form attached hereto as H.R. No. 368, H.D. 1.

Signed by all members of the Committee.

SCRep. 1056

Public Employment and Government Operations on H.R. No. 337
(Majority)

The purpose of this resolution is to request that access to governmental processes be decentralized through interactive electronic means.

Your Committee finds that Hawaii is an island state and is unique in that its major population centers are dispersed over a wide geographical area. Requiring the Legislature to convene in Honolulu thus limits the participation of Neighbor Island and rural citizens in the governmental process. Your Committee further finds that similar problems exist in the State of Alaska with respect to reaching individuals in remote areas, and that this situation has been alleviated through the establishment of a legislative teleconference network, thereby affording citizens a greater opportunity to interact and participate in government.

House Resolution 337 requests that access to governmental processes be decentralized through interactive electronic means, and that this be accomplished by re-designing existing equipment to conform to appropriate delivery technical systems. Testimony from the Department of Planning and Economic Development and various private individuals was supportive of the measure.

Your Committee believes that the Legislative Reference Bureau is the most appropriate body to review the feasibility of establishing such a system here in Hawaii, and has amended this resolution accordingly. Such a study would include comparisons of cost, and operational advantages and disadvantages between audio, visual and data interactive communications; recommendations of type of systems that would best utilize existing State equipment and facilities; recommendation of the number and locations of such interactive sites; and analysis of other state, regional and national experiences with such decentralized interactive electronic networks.

Your Committee has also amended the title of this resolution to more appropriately reflect legislative intent as expressed herein.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 337, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 337, H.D. 1.

Signed by all members of the Committee.
(Representative Masutani did not concur.)

SCRep. 1057

Public Employment and Government Operations on H.C.R. No. 60
(Majority)

The purpose of this concurrent resolution is to request that access to governmental processes be decentralized through interactive electronic means.

Your Committee finds that Hawaii is an island state and is unique in that its major population centers are dispersed over a wide geographical area. Requiring the Legislature to convene in Honolulu thus limits the participation of Neighbor Island and rural citizens in the governmental process. Your Committee further finds that similar problems exist in the State of Alaska with respect to reaching individuals in remote areas, and that this situation has been alleviated through the establishment of a legislative teleconference network, thereby affording citizens a greater opportunity to interact and participate in government.

House Concurrent Resolution 60 requests that access to governmental processes be decentralized through interactive electronic means, and that this be accomplished by re-designing existing equipment to conform to appropriate delivery technical systems. Testimony from the Department of Planning and Economic Development and various private individuals was supportive of the measure.

Your Committee believes that the Legislative Reference Bureau is the most appropriate body to review the feasibility of establishing such a system here in Hawaii, and has amended this resolution accordingly. Such a study would include comparisons of cost, and operational advantages and disadvantages between audio, visual and data interactive communications; recommendations of type of systems that would best utilize existing State equipment and facilities; recommendation of the number and locations of such interactive sites; and analysis of other state, regional and national experiences with

such decentralized interactive electronic networks.

Your Committee has also amended the title of this resolution to more appropriately reflect legislative intent as expressed herein.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.C.R. No. 60, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 60, H.D. 1.

Signed by all members of the Committee.
(Representative Masutani did not concur.)

SCRep. 1058 Education and Health on H.R. No. 21

The purpose of this resolution is (1) to request the appropriate House standing committees to review the Department of Education's projected special education teaching and resource staff needs to ensure that Hawaii is in compliance with federal, state, and court order requirements relating to the educational and support services for handicapped children; and (2) to have the Department of Education present recommendations on how it expects to deal with the increased number of identified handicapped children.

According to federal, state, and circuit court requirements, the State must provide educational opportunities and support services to all handicapped children. However, your Committees find that the number of children who need educational and support services exceeds what present state programs can meet.

Testimonies presented by the Department of Education, the State Planning and Advisory Council on Developmental Disabilities, the Deaf Action Group, and special education teachers supported the resolution.

The Department of Health reported that they have been working closely with the Department of Education in providing support services for handicapped children. However, they recognize that the need for educational and support services for handicapped children greatly exceeds what the existing staff can meet, and indicated that various alternatives of meeting this identified need are currently being discussed with the appropriate state agencies.

The Hawaii Association of Private Special Education Schools also testified in support of the resolution. However, they suggested that in order for a special education review to have a significant impact on cost effectiveness, the review should include the continued use of existing private special education services in the determination of new or additional program and personnel services.

Your Committees believe that the Committee on Education is the appropriate House standing committee to do the review of special education for handicapped children and have amended the resolution accordingly. Your Committees have also amended the resolution to have the Committee on Education do the review during the 1979-80 legislative interim, and to have the Committee on Education and the Department of Education report their findings and recommendations to the Legislature prior to the convening of the 1980 regular session rather than prior to the adjournment of the 1979 session.

Your Committee on Education and your Committee on Health concur with the intent and purpose of H.R. No. 21, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 21, H.D. 1.

Signed by all members of the Committees.

SCRep. 1059 Health on H.R. No. 484

The purpose of this resolution is to request a report from the Legislative Auditor on the program and performance of state employed psychiatrists.

Presently there are 55 psychiatrist positions in the Department of Health, including 52 full-time and 3 part-time positions of which 45 positions are filled. Your Committee's concern is that the present terms and conditions of employment of psychiatrists may not provide sufficient flexibility to maximize the delivery of mental health services through the Department of Health's Mental Health division. The Department of Health testified that they support the intent and purpose of this resolution and recommended

its adoption.

Testimony presented by the Mental Health Association indicated that there is a definite need for effective mental health services to be provided in a cost-effective and fiscally responsible manner.

Your Committee on Health concurs with the intent and purpose of H.R. No. 484 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1060 Health on H.C.R. No. 157

The purpose of this concurrent resolution is to request a report from the Legislative Auditor on the program and performance of state employed psychiatrists.

Presently there are 55 psychiatrist positions in the Department of Health, including 52 full-time and 3 part-time positions of which 45 positions are filled. Your Committee's concern is that the present terms and conditions of employment of psychiatrists may not provide sufficient flexibility to maximize the delivery of mental health services through the Department of Health's Mental Health division. The Department of Health testified that they support the intent and purpose of this concurrent resolution and recommended its adoption.

Testimony presented by the Mental Health Association indicated that there is a definite need for effective mental health services to be provided in a cost-effective and fiscally responsible manner.

Your Committee has made a technical, non-substantive amendment to bring the concurrent resolution into proper form.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 157, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. 157, H.D. 1.

Signed by all members of the Committee.

SCRep. 1061 Health on H.R. No. 547

The purpose of this resolution is to request the Department of Health to conduct an investigation on the feasibility of establishing a health information system and alternatives to achieve the objectives of such a system.

The effectiveness of a health care system often depends upon the availability of accurate health-related data for planning, research, evaluation, and statistical purposes. Presently, a large proportion of essential health data is not readily available among the agencies and institutions responsible for health care delivery and planning.

The health information system would serve as a central agency for the collection and dissemination of health data. The ramifications of establishing such an agency are of a level of significance as to necessitate a comprehensive and detailed investigation prior to further legislative action.

Your Committee on Health concurs with the intent and purpose of H.R. No. 547 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1062 Health on H.C.R. No. 133

The purpose of this concurrent resolution is to request the Department of Health to conduct an investigation on the feasibility of establishing a health information system and alternatives to achieve the objectives of such a system.

The effectiveness of a health care system often depends upon the availability of accurate health-related data for planning, research, evaluation, and statistical purposes. Presently, a large proportion of essential health data is not readily available among

the agencies and institutions responsible for health care delivery and planning.

The health information system would serve as a central agency for the collection and dissemination of health data. The ramifications of establishing such an agency are of a level of significance as to necessitate a comprehensive and detailed investigation prior to further legislative action.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 133 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1063 Youth and Elderly Affairs on H.R. No. 593

The purpose of this Resolution is set forth in the title.

The testimony submitted to your Committee on this Resolution was unanimously and strongly in favor of adoption of the Resolution.

The Resolution notes that there are many proposals for strengthening the delivery of services to delinquent juveniles. However, the point was made at the hearing on this Resolution that it was worth stressing the fact that these proposals stem from the great and growing needs of youth, their families, and society in general to stem and reverse the upward trend of delinquent behavior by juveniles. Your Committee believes this to be true.

The Resolution has been amended by adding a "BE IT FURTHER RESOLVED" clause requiring the Committee to report its findings and recommendations to the Legislature twenty days prior to the 1980 Regular Session.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of H.R. No. 593, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 593, H.D. 1.

Signed by all members of the Committee.

SCRep. 1064 Youth and Elderly Affairs on H.R. No. 623

The purpose of this Resolution is to request the Committee on Youth and Elderly Affairs to examine "the capacity of existing child care centers and programs in relation to the demand for their services, the need for new centers and programs, and the alternative possible sources of funding needed child care centers and programs" and to report to the Legislature prior to the next Regular Session.

Your Committee believes this study is badly needed particularly in regard to exploring means of financing day care centers and programs other than through State appropriations. It is beyond the fiscal capacity of the State to meet the demand for these services. Yet the services are in heavy demand and, if the demand is met, both individual and community-wide interests will be served.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of H.R. No. 623 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1065 Legislative Management

Informing the House that Standing Committee Report Nos. 1051 to 1064 have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1066 Legislative Management

Informing the House that House Resolution Nos. 756 to 760, and Standing Committee

Report Nos. 1067 to 1092, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1067 Legislative Management on H.C.R. No. 134

The purpose of the concurrent resolution is to establish a joint interim committee to study how section 5 of Article VIII of the State Constitution can best be implemented. Section 5 requires that "If any new program or increase in the level of services under an existing program shall be mandated to any of the political subdivisions by the legislature, it shall provide that the State share in the cost".

Your Committee feels that it is the intent of this section to insure that the state does not circumvent spending limits by transferring functions to the county governments, or requiring them to undertake new programs. Because of the several questions which remain unresolved, your Committee feels that an interim study on this matter is warranted.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 134 and recommends that it be adopted.

Signed by all members of the Committee except Representative Kihano.

SCRep. 1068 Ocean and Marine Resources on H.R. No. 435

The purpose of this Resolution is to encourage the Hawaii Congressional Delegation to support national legislation which will enable manganese nodule consortia to begin commercial mining and processing operations.

Testimony before your Committee finds that a major impediment to the commencement of deep seabed mining and processing of manganese nodules is a lack of a recognized legal regime. The richer beds of manganese nodules lie in ocean depths beyond currently recognized territorial seas and/or economic zones, thus the question of ownership must be resolved. The United Nations Conference on the Law of the Sea has been meeting for the last decade to arrive at an international agreement, and the probability of successfully negotiating this international treaty appears to be diminishing.

The U.S. Congress has also debated the passage of legislation that would assure full participation of United States industry. In 1978, the U.S. House of Representatives passed H.R. No. 3350, however, the failure of the U.S. Senate to pass a similar bill, by one vote, has delayed the commencement of commercial operations.

Senator Spark M. Matsunaga is presently the principal sponsor of a Senate Bill, the "DEEP SEABED MINERAL RESOURCES ACT" (S493) that would provide incentives for the development of deep seabed mineral resources such as manganese nodules.

Your Committee finds that because of Hawaii's proximity to the prospective mining sites, the economic benefits to the State of Hawaii could be great.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 435 and recommends its adoption.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1069 Ocean and Marine Resources on H.C.R. No. 88

The purpose of this Concurrent Resolution is to encourage the Hawaii Congressional Delegation to support national legislation which will enable manganese nodule consortia to begin commercial mining and processing operations.

Testimony before your Committee finds that a major impediment to the commencement of deep seabed mining and processing of manganese nodules is a lack of a recognized legal regime. The richer beds of manganese nodules lie in ocean depths beyond currently recognized territorial seas and/or economic zones, thus the question of ownership must be resolved. The United Nations Conference on the Law of the Sea has been meeting for the last decade to arrive at an international agreement, and the probability of successfully negotiating this international treaty appears to be diminishing.

The U.S. Congress has also debated the passage of legislation that would assure full participation of United States industry. In 1978, the U.S. House of Representatives passed H.R. No. 3350, however, the failure of the U.S. Senate to pass a similar bill, by one vote, has delayed the commencement of commercial operations.

Senator Spark M. Matsunaga is presently the principal sponsor of a Senate Bill, the "DEEP SEABED MINERAL RESOURCES ACT" (S493) that would provide incentives for the development of deep seabed mineral resources such as manganese nodules.

Your Committee finds that because of Hawaii's proximity to the prospective mining sites, the economic benefits to the State of Hawaii could be great.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 88 and recommends its adoption.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1070 Ocean and Marine Resources and Higher Education on H.C.R.
No. 98

The purpose of this Concurrent Resolution is to promote an awareness in our marine environment by expressing support for Ocean Fair Week, April 9 - 13, 1979, at the University of Hawaii, Manoa Campus.

Testimony before your Committees by students from the University of Hawaii states that the basic concept of Ocean Fair Week is to promote an awareness of the natural beauty, potential, as well as vulnerability, of our marine environment.

Your Committees find that the history, culture, life style and economic well being of Hawaii and its people are closely linked to the sea and that programs such as Ocean Fair Week are very significant in promoting an awareness of our marine environment.

Your Committee on Ocean and Marine Resources and your Committee on Higher Education concur with the intent and purpose of H.C.R. No. 98 and recommend its adoption.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1071 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 184

The purpose of this resolution is to request the federal government to return Bellows Field to the State of Hawaii so that it may be developed to meet some of the recreational demands of the State.

Bellows Field is ceded land, comprising approximately 1,500 acres. A 77 acre portion was returned to the State some years ago and is presently under development as a State Park. Another 54 acres, adjacent to the State Park and fronting the beach, is licensed to the State by the Air Force for recreational use by the public on weekends and holidays. The State, in turn, has subleased this area to the City and County of Honolulu, Department of Parks and Recreation, who operate the beach park. The balance of Bellows is held by the Air Force and used for recreation by the Armed Forces and for military training, basically by the Marines.

Because of the increasing demand for more public recreational space, the Air Force has been requested to release the portions of Bellows, some 837 acres, which appear vacant and not frequently utilized, on a number of occasions, most recently in October of 1977. The response was to the effect that the Air Force and Marines make intensive use of Bellows for training, particularly for amphibious exercises, and that none of the acreage could be released.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 184 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1072 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No.
13

The purpose of this concurrent resolution is to request the federal government to

return Bellows Field to the State of Hawaii so that it may be developed to meet some of the recreational demands of the State.

Bellows Field is ceded land, comprising approximately 1,500 acres. A 77 acre portion was returned to the State some years ago and is presently under development as a State Park. Another 54 acres, adjacent to the State Park and fronting the beach, is licensed to the State by the Air Force for recreational use by the public on weekends and holidays. The State, in turn, has subleased this area to the City and County of Honolulu, Department of Parks and Recreation, who operate the beach park. The balance of Bellows is held by the Air Force and used for recreation by the Armed Forces and for military training, basically by the Marines.

Because of the increasing demand for more public recreational space, the Air Force has been requested to release the portions of Bellows, some 837 acres, which appear vacant and not frequently utilized, on a number of occasions, most recently in October of 1977. The response was to the effect that the Air Force and Marines make intensive use of Bellows for training, particularly for amphibious exercises, and that none of the acreage could be released.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 13 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1073 Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 537

The purpose of this resolution is to request the City and County of Honolulu to expend an amount at least equal to the surplus generated by the Ala Wai Golf Course to further upgrade and increase the maintenance of the Ala Wai Golf Course.

Of the four municipal golf courses that the City and County of Honolulu operates, the most heavily utilized by far is the Ala Wai Golf Course. Because of the heavy utilization, significant revenues are generated, and according to the Departmental and Agency Reports of the City and County of Honolulu for fiscal year 1977-78, revenues from green fees and other charges amounted to \$314,829 and revenues from the food concessions and the pro shop amounted to \$142,887. During that same period the operating expenses for the Ala Wai Golf Course amounted to \$310,724. Thus, it appears that the Ala Wai Golf Course generated a surplus in excess of \$140,000 in fiscal year 1977-78.

While it is generally recognized that the Ala Wai Golf Course is a fine recreational facility, some users are dissatisfied with the course and have expressed the need for further upgrading and maintenance. Diverting surplus revenues from the Ala Wai Golf Course to fund other city expenses is shortsighted, for without adequate maintenance and upgrading of the golf course, deterioration will occur, leading to loss of patronage and loss of revenues.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 537 and recommends its adoption.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1074 Water, Land Use, Development and Hawaiian Affairs on
H.C.R. No. 125

The purpose of this resolution is to request the City and County of Honolulu to expend an amount at least equal to the surplus generated by the Ala Wai Golf Course to further upgrade and increase the maintenance of the Ala Wai Golf Course.

Of the four municipal golf courses that the City and County of Honolulu operates, the most heavily utilized by far is the Ala Wai Golf Course. Because of the heavy utilization, significant revenues are generated, and according to the Departmental and Agency Reports of the City and County of Honolulu for fiscal year 1977-78, revenues from green fees and other charges amounted to \$314,829 and revenues from the food concessions and the pro shop amounted to \$142,887. During that same period the operating expenses for the Ala Wai Golf Course amounted to \$310,724. Thus, it appears that the Ala Wai Golf Course generated a surplus in excess of \$140,000 in fiscal year 1977-78.

While it is generally recognized that the Ala Wai Golf Course is a fine recreational facility, some users are dissatisfied with the course and have expressed the need for further upgrading and maintenance. Diverting surplus revenues from the Ala Wai Golf Course to fund other city expenses is shortsighted, for without adequate maintenance and upgrading of the golf course, deterioration will occur, leading to loss of patronage and loss of revenues.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 125 and recommends its adoption.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1075 Transportation on H.R. No. 548

The purpose of this resolution is to support United States Senate Bill No. S. 413 "AVIATION SAFETY AND NOISE ABATEMENT OF 1979", which is designed to attack the difficult problem of aircraft noise on a rational basis.

The bill provides the following: Title 1) planning and aquisition funds for airport authorities, including the Department of Transportation, to implement noise abatement programs; Title 2) establishing increased funding for safety programs for fiscal 1980; and in particular, restores the 90%/10% federal/ local ratio for smaller airports which would be highly important to Hawaii in developing and upgrading congestion reducing reliever airports in the State; and Title 3) requiring the United States and foreign air carriers providing international air service to the United States to comply with domestic noise standards.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 548 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1076 Transportation on H.C.R. No. 135

The purpose of this concurrent resolution is to support United States Senate Bill No. S. 413 "AVIATION SAFETY AND NOISE ABATEMENT OF 1979", which is designed to attack the difficult problem of aircraft noise on a rational basis.

The bill provides the following: Title 1) planning and aquisition funds for airport authorities, including the Department of Transportation, to implement noise abatement programs; Title 2) establishing increased funding for safety programs for fiscal 1980; and in particular, restores the 90%/10% federal/ local ratio for smaller airports which would be highly important to Hawaii in developing and upgrading congestion reducing reliever airports in the State; and Title 3) requiring the United States and foreign air carriers providing international air service to the United States to comply with domestic noise standards.

Your Committee has amended the resolution to make it a concurrent resolution by adding the words "the Senate concurring" to the "BE IT RESOLVED" clause.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 135, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 135, H.D. 1.

Signed by all members of the Committee.

SCRep. 1077 Employment Opportunities and Labor Relations on H.C.R. No. 139

The purpose of this concurrent resolution is to request the Secretary of the United States Department of Labor to raise the average annual wage limitation for Hawaii's Public Service Employment participants under the Comprehensive Employment and Training Act.

In the CETA Amendments of 1978 (Public Law 95-524), a new provision to the PSE programs mandated that an average annual wage rate of \$7,200 was not to be exceeded for PSE jobs. This average wage rate is to be adjusted annually by the Secretary of Labor based on the ratio of an area's average wage rate to the national wage rate.

The proposed CETA regulations, published in the Federal Register, Vol. 44, No. 14, January 19, 1979, defined the Secretary's methodology for computing the area wage index for use as the basis for determining each area's average annual wage rate. The data is to be derived from the quarterly report submitted to the Secretary by the State Employment Security Agencies, which reported the number of employees covered by State and Federal Unemployment Insurance (UI) and their wages earned for that period. This method penalized Hawaii, where the wider application of UI to include lower-paying jobs reduced the average wage rate in comparison with some other States. The inclusion of lower paid agricultural and domestic workers and earlier coverage effective from an employee's starting date adversely affected the basis for which the average annual wage rate was computed.

The Secretary subsequently issued to the Hawaii prime sponsors the mandated average annual wage rate for PSE jobs and also provided the wage indices upon which the wage rates were based. The average wage rate mandated for Hawaii prime sponsors was \$6,635 based on a wage index of 89.5 percent for Honolulu City and County and 81.3 percent for the Balance-of-State (BOS) area. The lack of information on the data base used for deriving the wage indices and the apparent discrepancy between the indices and the annual average wage rates prompted Hawaii to request clarification on the methodology from the Department of Labor. The Department responded by expressing their mutual dissatisfaction with the inconsistencies of the data base but indicated that the methodology for determining the wage rates was Congressionally established and inviolable.

Although the high cost of living in Hawaii is nationally recognized, its effect on the national average annual wage rate, unfortunately, has been ignored. This results in several inconsistencies in the CETA program. For example, the poverty income guidelines issued by the Office of Management and Budget (OMB) and used as a criteria for CETA eligibility provide separate income guidelines for Hawaii which are 15 percent higher than the rest of the nation. Yet the average annual wage rate if \$6,635 for Hawaii is eight (8) percent lower than the average national standard of \$7,200. This creates the possible situation where a CETA participant with a family of four (4) could be employed in a PSE job, earn the mandated average of \$6,635, and remain at poverty level. In addition, the type of jobs with wages at that level would be dead-end, menial and routine. This would not seem to fulfill the purpose of providing training through temporary jobs to assist unemployed, disadvantaged persons to gain experience and skills to obtain full-time, unsubsidized work.

To equalize the effect of the higher cost of living in Hawaii, as compared to the rest of the nation, it is recommended that an exception be made for Hawaii whereby the same percentage adjustment is applied to the average annual wage rate or applied to the poverty income criteria. This would result in an average wage rate of approximately \$8,280. Although it represents an 11 percent lower wage rate than the average wage rate of \$9,288 reported in 1977-78, it would provide a consistent basis from which to operate the program and would also fulfill the intent of Congress in establishing lower average annual wage rates. The lower wage rate of \$8,280 would still present major problems in program operations, but would provide sufficient flexibility, albeit limited, to constitute a realistic challenge.

Your Committee amended the concurrent resolution by including information presented in testimony by the Department of Labor and Industrial Relations and by requesting that additional copies be sent to the Majority Leader of the United States Senate, Minority Leader of the United States Senate, Speaker of the United States House of Representatives, and Minority Leader of the United States House of Representatives.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.C.R. No. 139, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 139, H.D. 1.

Signed by all members of the Committee.

SCRep. 1078

Employment Opportunities and Labor Relations on H.R. No. 641

The purpose of this resolution is to request that the United States Secretary of Labor waive the CETA time limitations, release discretionary funds for the continued full implementation of the CETA program in Hawaii and that the President and the United States Congress support such actions and take whatever steps necessary to help alleviate the high rate of unemployment in Hawaii.

In response to the national focus on fraud and abuse in other states' CETA programs,

the CETA amendments of 1978 imposed strict limitations and controls on all aspects of all CETA programs. One of these limitations curtailed participant enrollment duration in CETA and in Public Service Employment (PSE) to 30 months and 78 weeks, respectively. These provisions became effective retroactively from October 1, 1978 for the CETA program participation limitations, and from April 1, 1978 for the PSE participation limitations. In accordance with this provision, approximately 1,400 PSE participants in Hawaii will be terminated by September 30, 1979. The intent of the limitation requirement was to prevent long-term dependency on CETA programs, and to thereby encourage the participants' transition into unsubsidized employment.

Your Committee supports the intent of the new requirement to limit participation duration, however, the retroactive nature of this provision permits little time to prepare for its tremendous impact before September 30, 1979. The Department of Labor and Industrial Relations informed the Committee that in addition, the promise of discretionary monies to ease the reduced funding levels for PSE has not yet been fulfilled. This has further disrupted any plans for the PSE programs for the remainder of the CETA fiscal year. They were instructed to plan on the receipt of discretionary monies from December 1978, however, the federal government has not yet officially obligated these funds. Because the status of these funds remain unclear, plans for the PSE programs up to September 30, 1979 remain uncertain.

Your Committee finds that a waiver of time limitations and release of discretionary funds is necessary to help alleviate the high rate of unemployment in Hawaii and has amended the resolution accordingly.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 641, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 641, H.D. 1.

Signed by all members of the Committee.

SCRep. 1079

Employment Opportunities and Labor Relations on H.C.R. No. 159

The purpose of this concurrent resolution is to request that the United States Secretary of Labor waive the CETA time limitations, release discretionary funds for the continued full implementation of the CETA program in Hawaii and that the President and the United States Congress support such actions and take whatever steps necessary to help alleviate the high rate of unemployment in Hawaii.

In response to the national focus on fraud and abuse in other states' CETA programs, the CETA amendments of 1978 imposed strict limitations and controls on all aspects of all CETA programs. One of these limitations curtailed participant enrollment duration in CETA and in Public Service Employment (PSE) to 30 months and 78 weeks, respectively. These provisions became effective retroactively from October 1, 1978 for the CETA program participation limitations, and from April 1, 1978 for the PSE participation limitations. In accordance with this provision, approximately 1,400 PSE participants in Hawaii will be terminated by September 30, 1979. The intent of the limitation requirement was to prevent long-term dependency on CETA programs, and to thereby encourage the participants' transition into unsubsidized employment.

Your Committee supports the intent of the new requirement to limit participation duration, however, the retroactive nature of this provision permits little time to prepare for its tremendous impact before September 30, 1979. The Department of Labor and Industrial Relations informed the Committee that in addition, the promise of discretionary monies to ease the reduced funding levels for PSE has not yet been fulfilled. This has further disrupted any plans for the PSE programs for the remainder of the CETA fiscal year. They were instructed to plan on the receipt of discretionary monies from December 1978, however, the federal government has not yet officially obligated these funds. Because the status of these funds remain unclear, plans for the PSE programs up to September 30, 1979 remain uncertain.

Your Committee finds that a waiver of time limitations and release of discretionary funds is necessary to help alleviate the high rate of unemployment in Hawaii and has amended the concurrent resolution accordingly.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.C.R. No. 159, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 159, H.D. 1.

Signed by all members of the Committee.

SCRep. 1080

Finance on H.C.R. No. 149

The purpose of this concurrent resolution is to request the department of taxation to conduct a study of the feasibility of adopting the federal zero bracket method of computing the standard deduction for the purposes of the state personal income tax; and, if adoption is recommended, to submit proposed legislation to enact the department's recommendations. It is the intent of this concurrent resolution that the amounts of the zero brackets in such proposed legislation shall not result in a loss of tax revenues.

Your Committee finds that changes in the state income tax in recent years have significantly reduced many of the problems of taxpayer compliance by achieving greater conformity with the federal income tax law. However, our failure to adopt the federal zero bracket method of computing the standard deduction and reporting only excess itemized deductions is confusing to some, and can too easily lead to the payment of excess state income tax by individuals who do not realize the difference between the state and federal systems of calculating and reporting deductions. This arises from the fact that the federal method results in the reporting of deductions only if they exceed the basic zero bracket amounts of \$3,400 for joint returns and \$2,300 for single returns. Under the present state law the standard deduction is 10 per cent of adjusted gross income and thus varies with the amount of income, and itemized deductions should be reported in full rather than net of a fixed "zero bracket" amount.

H.C.R. No. 149 specifically provides that the requested study and any resulting proposed recommended legislation is to address only the issue of facilitating taxpayer compliance and shall be so designed as to avoid any loss of tax revenues. Your Committee agrees with these provisions and does not wish this study to become involved in the more complex issues of tax relief or re-allocation of tax burdens among taxpayers.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 149 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1081

Finance on H.C.R. No. 10

The purpose of this concurrent resolution is to request a review of existing fish and game regulations and develop recommendations to strengthen penalties and improve enforcement.

The primary aim of fish and game laws and regulations is to provide for the protection of the State's fish and wildlife resources and their habitats and to regulate the consumptive and non-consumptive uses of these resources through such measures as open and closed seasons, bag limits, size limits, license and/or permit requirements, closed and open areas, and establishment of sanctuaries and refuges. The penalties established under these laws are designed to serve as a deterrent to violations of these measures.

Your Committee agrees that the penalties imposed by the courts under current laws are not severe enough to discourage persons from violating our fish and game laws. Since the penalties imposed are generally at minimum level, there is very little deterring effect on violators or potential violators.

Your Committee also agrees that there is a need to have fish and game regulations reviewed, recoded and consolidated and to have penalties restructured in order to provide a deterrent to violators and potential violators.

This resolution thus requests the Department of Land and Natural Resources to review the existing fish and game regulations and develop recommendations to strengthen penalties and improve enforcement, and to report its findings and recommendations to the Legislature prior to the convening of the 1980 regular session.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 10, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1082

Finance on H.C.R. No. 107

The purpose of this concurrent resolution is to direct the State Planning and Advisory Council for Developmental Disabilities to develop plans and programs and identify alternate

funding resources for services to the developmentally disabled. A part of the study will include a review of all Title XX funds and programs serving the developmentally disabled.

Your Committee recognizes the value of de-institutionalization of developmentally disabled individuals and the role that community-based services play in enabling families to keep their developmentally disabled children at home. Programs such as infant enrichment and child development and adult day activities, partially supported by Title XX funds have been essential in Hawaii's efforts to ensure that developmentally disabled persons are able to increase their capacities for development while remaining in the community.

There is concern, however, over the ability of these programs to maintain, or to further expand, their services in the face of rising costs and stationary Title XX funding levels. Advance planning of funding alternatives is essential in the event that Title XX funds become inadequate to continue the existing level of service or to meet the necessary increase in services.

A study such as is requested by this concurrent resolution would enable the Legislature to prepare for continued services in the eventuality that funding from present sources becomes insufficient.

Your Committee has amended the resolution by adding the words "the Senate concurring" to the BE IT RESOLVED clause.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 107, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 107, H.D. 2.

Signed by all members of the Committee.

SCRep. 1083 Finance on H.C.R. No. 36

The purpose of this concurrent resolution is to request that the Department of Transportation review the proposals put forth to level the peak loads on our highways and report to the Tenth Legislature of the State of Hawaii, Regular Session 1980, if any such system is practical and how it could be implemented.

Your Committee finds that peak load leveling would improve traffic flow and a highway load condition advisory system would benefit motorists in choosing the time and route for their trips.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 36 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1084 Finance on H.C.R. No. 48

This resolution calls for the development of an employment functional plan as an integral component of the Hawaii State Plan. In order to guide the allocation of resources for employment and training programs to meet Hawaii's present and future employment needs, there should be some rational mechanism and your Committee agrees that an employment functional plan can serve this purpose.

Your Committee has amended this resolution to delete all references to the use of funds from the governors coordination and special services plan for the purposes of this resolution.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 48, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 48, H.D. 1.

Signed by all members of the Committee.

SCRep. 1085

Finance on H.C.R. No. 62

The purpose of this concurrent resolution is to request Hawaii's Congressional delegation to work toward establishing direct inexpensive data information and communication links with Washington, D.C.

Your Committee agrees that the State is responsible for providing services mandated by the federal government in accordance with federal regulations, and that to properly provide these services, current and timely data are required for maximum efficiency and effectiveness.

Because Hawaii is a great distance from the nation's capital in Washington, D.C., difficulties occur in the conveyance and receipt of data. Although the federal government has a regional center in San Francisco, Federal Region IX, the service it renders is less than satisfactory, and therefore your Committee believes greater coordination and more timely information is needed by the State to operate its federal programs and monies efficiently and effectively.

This resolution thus requests the members of Hawaii's Congressional delegation to work with the appropriate federal agencies toward the establishment of direct inexpensive data information and communication links with Washington, D.C. The Legislative Auditor, in the capacity of liaison between the Legislature and the federal government, and the Hawaii Office of Federal Programs Coordinator are asked to assist the members of Hawaii's Congressional delegation in this task.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 62, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1086

Finance on H.C.R. No. 76

The purpose of this concurrent resolution is to request review of the compensation plans covering the secretarial classes within the civil service system.

In 1975, the Department of Personnel Services established a five level secretarial series (I to V), with salary ranges of SR 9 - 11 - 12 - 14 - 16. The Conference of Personnel Directors supported this position. However, the Public Employees Compensation Appeals Board (PECAB) disagreed and repriced Secretary I from SR 9 to SR 10 and Secretary II from SR 11 to SR 12 while maintaining a two step differential between Secretary III, IV and V.

Subsequently in 1977 PECAB changed its position and established one step differentials between Levels I through Levels IV (SR 11 to SR 14) and a two step differential between Levels IV and V (SR 14 to SR 16).

Testimony from the State Secretaries Association and the Public Employees Management Association of Hawaii indicated these compensation plans have adversely affected the morale of all secretaries in government service in that virtually all other comparable classes in the civil service presently enjoy a two step differential between levels.

To correct this disparity, your Committee agrees that 1) the present five levels be reduced to four, 2) a standard two step differential be established between all levels and 3) that a two step differential between the Secretary and the Private Secretary series be maintained.

Your Committee further agrees that the report to the State Legislature setting forth the final Compensation Plan as required by HRS Section 77-4(d) and Section 77-5(4) (B) include the results of the review of secretarial classes of the State of Hawaii, Judiciary, and City and County of Honolulu.

Your Committee has amended this concurrent resolution to request the transmittal of a certified copy to PECAB.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 76, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 76, H.D. 2.

Signed by all members of the Committee.

SCRep. 1087 Finance on H.C.R. No. 86

The purpose of this concurrent resolution is to request the Hawaii Congressional delegation to support state-federal data sharing with the National Conference of State Legislatures (NCSL).

The Hawaii State Legislature has been an active member of the NCSL and has benefited from its information documents and its lobbying efforts.

A proposed exchange between the Congressional Research Service (CRS) and the computer files of the NCSL would have allowed research information to be shared between the state and federal legislative branches, thus reducing duplication of effort in preparing policy research documents.

Last Congressional session, however, the Joint Committee on the Library defeated NCSL efforts to effect such a sharing of information and instead recommended that any further action be determined by the forthcoming report of the Congressional Policy Group on Information and Computers. Your Committee believes that as the free and open exchange of information among levels of government fosters the coordination of programs and policies, any formal guidelines in this report permitting access to federal computer files should also include provisions for sharing by the NCSL.

This resolution therefore urges the Hawaii Congressional delegation to support the efforts of the National Conference to establish formal state-federal data sharing.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 86, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1088 Finance on H.C.R. No. 92

The purpose of this concurrent resolution is to request a study of the feasibility of establishing a marine life conservation district within a portion of the nearshore waters off Leleiwi Beach Park in Hawaii County.

Chapter 190, Hawaii Revised Statutes, empowers the Department of Land and Natural Resources to establish conservation districts for the conservation and protection of our valuable marine resources. To date, six marine life conservation districts have been established, two of which are in Hawaii County.

At a time when there is growing concern over the extinction or threatened extinction of certain types of marine life unique to Hawaiian waters, the establishment of another marine life conservation district within Leleiwi Beach Park is deserving of careful consideration.

It is the understanding of your Committee that a feasibility study of this nature will require biological and resource information obtained through marine surveys and public input solicited through public meetings and hearings in order to properly assess the biological and socio-economic impact.

Your Committee concurs with the intent and purpose of H.C.R. No. 92 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1089 Energy and Public Employment and Government Operations on
H.R. No. 566

The purpose of this resolution is to request the State and the several counties to adopt rules mandating the purchase of four- and six-cylinder vehicles for government use.

Your Committees find that as the price of gasoline rises, Hawaii as well as the rest of the nation is once again faced with the prospect of another severe gas shortage. Therefore, it is incumbent upon government to provide leadership to reduce the inefficient use of fuel by encouraging the purchase and use of energy efficient automobiles.

Your Committees heard testimony from the Department of Accounting and General

Services that in certain cases the purchase of eight-cylinder vehicles is appropriate. Therefore, your Committees have amended the "BE IT RESOLVED" clause to request the State and counties to provide rules specifying the conditions under which four- and six-cylinder vehicles may be purchased, and rules specifying when other vehicles may be appropriate. This would permit certain agencies to purchase with justification, eight-cylinder vehicles to meet their operational needs.

The title of the resolution has also been revised in the following manner:

The word "MANDATING" has been replaced with "REGULATING". The words "FOUR- AND SIX-CYLINDER" have been deleted.

The revisions are necessary to encompass the amendments made in the resolved clause explained above.

Your Committees on Energy and Public Employment and Government Operations concur with the intent and purpose of H.R. No. 566 as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 566, H.D. 1.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1090

Tourism on H.R. No. 542

The purpose of this Resolution is to request that the Speaker of the House of Representatives appoint an interim committee during the 1979 legislative interim to examine the advantages and disadvantages of establishing an office of tourism coordinator.

Your Committee advocates the use of joint public and private efforts necessary to provide for the compatible and quality growth of tourism so that it can become an industry which not only sets Hawaii in a class apart from other tourist destination and resort areas, but will also be an industry which the people of Hawaii can be proud of.

Your Committee is fully aware that an office of tourism coordinator has been proposed for the purpose of coordinating public and private efforts in planning the growth of the industry, ensuring visitor satisfaction, ensuring that a well-trained labor force is available, illustrating to the public the benefits of the visitor industry, and minimizing the inconveniences being placed on the public by the visitor industry. Your Committee further knows only too well that the concept of an office of tourism coordinator has been proposed many times in the past and has been met with mixed reactions from both public and private sectors. Therefore, this requested report should help the legislature choose the most appropriate direction concerning this concept.

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 542 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1091

Energy on H.R. No. 646

The purpose of this resolution is to request that the House Energy Committee conduct an interim study on Hawaii's fuel allocation contingency plans and report its findings and recommendations to the House of Representatives prior to the convening of the 1980 Regular Session.

Your Committee feels that in view of Hawaii's heavy dependence on imported oil and the current cutoff of oil from Iran, it is a matter of compelling public interest that Hawaii's energy crisis contingency plans be reviewed.

Your Committee on Energy concurs with the intent and purpose of H.R. No. 646, and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1092

Legislative Management on H.C.R. No. 85

The purpose of the concurrent resolution is to request the House and Senate Judiciary

Committees to study the feasibility and desirability of codifying the rules of evidence for Hawaii's courts.

Your Committee finds that while many other states have codified their rules of evidence, Hawaii has not yet done so. The rules of evidence currently applicable have been developed under case law.

Inasmuch as the rules of evidence can affect the outcome of a case, it is important that we clarify the rules as they apply to our State's courts. Your committee feels that the proposed study is necessary in order to fully understand the implications and general desirability of codifying the rules of evidence in Hawaii.

Your Committee has amended the concurrent resolution by inserting a provision that the cost implications of printing and distributing copies of codified rules be fully explored by the Judiciary Committees. The title has been reworded for clarity.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 85, H.D. 1 as amended herein, and recommends that it be adopted in the form attached hereto as H.C.R. No. 85, H.D. 2.

Signed by all members of the Committee.

SCRep. 1093 Legislative Management

Informing the House that House Resolution Nos. 761 to 772, House Concurrent Resolution No. 180, and Standing Committee Report Nos. 1094 to 1130, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1094 Ecology and Environmental Protection and Health on H.R. No. 355

The purpose of this resolution is to request the Honolulu City Council, the city Administration, and the City Building Department to add to the Uniform Building Code of Honolulu a new section which would require the air conditioning systems in proposed buildings to conform to legal noise limits adopted by the State Department of Health.

According to testimony heard by your Committees, noise resulting from air conditioning systems in many of Honolulu's buildings has been proved through measurement to exceed limits established by the State Department of Health. The process of obtaining relief from these dangerous noise levels may take as long as several years. Therefore, your Committees feel that protection would be most effectively provided at the design stage of new buildings under the regulation of a new "Sound Transmission Control" section in Chapter 35 of the Uniform Building Code of Honolulu.

Your Committees on Ecology and Environmental Protection and Health concur with the intent and purpose of H. R. No. 355 and recommend its adoption.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1095 Water, Land Use, Development and Hawaiian Affairs on H.R.
No. 502

The purpose of this resolution is to request the Department of Land and Natural Resources to review the functions and accomplishments of the State Board on Geographic Names and to consider means by which the Board will be more actively used toward fulfilling the purposes of its creation and to submit a report of findings and recommendations prior to the adjournment of this session.

Act 50 of 1974 designated the following persons or their representatives to the Board: the Chairman of the Board of Land and Natural Resources, the Chairman of the Hawaiian Homes Commission, the Director of the Department of Planning and Economic Development, the President of the University of Hawaii, the State Land Surveyor and the Director of the Bernice P. Bishop Museum. That same Act also empowered the Board to designate the official names and spellings of geographic features in Hawaii for official use by the State government and for reference by the Board on Geographic Names of the United States.

Act 50 also transferred the Board from the Department of Planning and Economic Development to the Department of Land and Natural Resources. Since this transfer there has been a marked decrease in Board activity with approval of only 9 place names since 1974 as compared to 40 names approved in 1968 alone, and no annual reports have been published despite the provisions of law.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 502 and recommends its adoption.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1096 Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 304

The purpose of this resolution is to express the support of the House of Representatives for continuing the Aiea brewery of the Joseph Schlitz Brewing Company and to urge the company not to sell or shut down its Aiea brewery.

The Aiea brewery is presently used by Schlitz for the brewing of Primo beer. The company recently announced that it was considering the sale or shutdown of this operation. The closing down of the Aiea plant would mean the layoff of about 70 workers employed at the brewery itself. In addition, there are an estimated 200 jobs involved in the distribution and selling of the brewery's products which would also be lost. Aside from the "socio-cultural" advantages of Primo as a 100% Hawaii-brewed beer, your Committee expressed deep concern about the adverse economic effects of the contemplated sale or shutdown in a time of continuing high unemployment.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 304 and recommends its adoption.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1097 Transportation on H.R. No. 611

The purpose of this resolution is to support and urge implementation of the bus re-routing plan proposed by the students of the University of Hawaii. This plan consists of diverting some of King Street bus routes up University Avenue onto Dole Street, to rejoin the present route at Saint Louis Drive and Waialae Avenue and to follow the same pattern in reverse for return trips.

Your Committee notes that according to the Associated Students of the University of Hawaii at Manoa, express buses presently travel along University Avenue and Dole Street. The problem is that a large number of students are concentrated in areas of the campus which are a considerable distance away from the bus lines.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 611 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1098 Transportation on H.R. No. 612

The purpose of this resolution is to request the expansion or re-routing of bus service from Pensacola Street and Wilder Avenue to the University of Hawaii Manoa Campus during peak student commuting hours in the mornings and in the afternoon, and to eliminate the bypassing problem for students catching the bus along such routes.

Your Committee notes that student bus ridership has shown an increase and adequate bus service should be available to accommodate them. The expansion of service along Wilder Avenue during peak student commuting hours would enhance the desirability of commuting by bus for students, which would aid in alleviating traffic congestion, needless energy waste, and parking problems.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 612 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1099

Finance on H.R. No. 88

This resolution asks the State Department of Transportation to assess the impact of the Federal Airline Deregulation Act relative to facilities, finances, and operations of the State's airport system.

The Airline Deregulation Act became law in late 1978. As its name suggests, the Act deregulates certain aspects of the economic regulation of air carriers with the purpose of fostering competition. The deregulation of rates and routes are almost certain to change the volume of air transportation to and from Hawaii.

In light of anticipated volume change, it is necessary that a determination of the projected impact be made to determine the facility and capacity requirements of the airports serving overseas flights.

Deregulation may also have direct impact on the airport special fund if air carrier volume increases or decreases, and the State may need to re-assess the structure for the self-sufficient financing of the statewide airport system.

Your Committee believes that an assessment of the impact of the Airline Deregulation Act is necessary to adequately plan for future requirements of the airport system.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 88, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1100

Finance on H.R. No. 82

The purpose of this resolution is to request the Department of Transportation to review the state's bridge replacement program and to give special consideration to sources of funding for the program and the legal issues related to accidents or mishaps which may occur on "state bridges" which may be unsafe.

In rating Hawaii's bridges on the Federal Highway Administration's bridge sufficiency rating program, it was found that as of January 1979, 107 bridges rated 50 or below (on a scale of 1 to 100), indicating need for repair or replacement.

Your Committee finds that bridges with a sufficiency rating of lower than 50 are eligible for federal-aid bridge replacement and rehabilitation funds. The replacement of these 107 bridges, however, would be an expensive undertaking costing approximately \$78,000,000. It is expected that Hawaii will receive \$2.3 million in federal aid for bridge replacement for fiscal year 1979-80, and similar amounts are anticipated for the next several years.

As it appears that adequate funding support for Hawaii's bridge replacement program will not be forthcoming from federal sources, it is imperative that the program be reviewed in order that the State may develop a clear policy and establish priorities for bridge replacement in the interest of highway safety.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 82, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1101

Finance on H.R. No. 398

The purpose of this resolution is to request the Criminal Injuries Compensation Commission to review the compensation program it administers, especially with regard to attorney's fees, awards for pain and suffering, payments for funeral expenses, and limitations on compensation.

Your Committee finds that the Criminal Injuries Compensation Program has been in existence since 1967, during which time the compensation limit of \$10,000, awards for attorney's fees and pain and suffering, and other aspects of the program have not been reviewed or evaluated.

Your Committee feels that the review requested in this resolution is desirable given the length of time that has transpired since the inception of the Criminal Injuries Com-

pensation Program.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 398 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1102

Finance on H.R. No. 390

The purpose of this resolution is to request the Executive Office of Aging, Office of the Governor, State of Hawaii, to work with concerned persons and groups in the state to establish a food service program which would provide elderly persons food at costs considerably lower than retail grocery stores offer.

Many of the elderly on small and/or fixed incomes suffer from the ravages of inflation, and as their budgets are stretched to cover all expenses, nutritional inadequacy is frequently a result.

Your Committee finds that programs such as the Food Advisory Service in California have succeeded in making available food items to the elderly at lower than retail prices, helping to alleviate some of the financial binds and nutritional problems of the elderly. Such programs provide useful models for developing similar programs in Hawaii, to address some of the problems and needs of the elderly in this state.

Your Committee on Finance concurs with the intent and purpose of H.R. 390 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1103

Finance on H.R. No. 352

The purpose of this resolution is to encourage the creation of a computerized job information system.

Your Committee agrees that individuals seeking employment and employers seeking to fill vacancies should be provided up to date and accurate data regarding the current and future outlook for specific occupations and related occupational clusters. A state computerized job information system should be established for this purpose.

The system should be a central, and possibly regionalized, one where information would be easily accessible to employees, employers, job seekers, students, counselors, social services agencies, and other relevant users.

The Department of Labor and Industrial Relations, the State Director for Vocational Education, the Office of Manpower Planning, and the Vocational Rehabilitation Division of the Department of Social Services and Housing are presently cooperating in planning for the development of such a system through their representation on the Hawaii Occupational Information Coordinating Committee (HSOICC), which in turn is charged with the responsibility for developing and implementing a statewide occupational information system (OIS). The OIS that Hawaii is developing consists of three parts:

1. An Occupational Demand component which clearly and consistently tells what the current and future picture is for employment by industry and type of occupation;
2. An Occupational Supply component which gives a similar picture regarding the number and type of workers available and being prepared for specific occupations or occupational clusters; and
3. An Information Delivery System component which can convey this picture to student, jobseekers, and career changers.

The crucial element of the system is the Information Delivery System which disseminates occupational information to those who need it in a timely, clear, and consistent manner. Such a system would not only contain occupational data which describes working conditions, economic outlook, and preparation methods, but would include school information, programs of training, and current job opportunities and hiring practices in addition.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 352,

H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1104 Finance on H.R. No. 305

The purpose of this resolution is to request the Department of Education to examine and assess its effectiveness in meeting the special needs of students in the smaller rural schools, particularly in regards to excursions.

Your Committee recognizes that no child should be deprived of his or her right of access to enriching cultural and educational experiences because of his or her environmental or economic conditions, and agrees that all feasible steps on the part of the Department of Education should be taken to overcome the physical barriers and restraints which hinder the cultural and educational experiences from being transported to or made accessible to the children of the State of Hawaii.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 305, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1105 Finance on H.R. No. 92

The purpose of this resolution is to request the Department of Transportation (DOT) to review the present status of the State highway system. This review includes determining the improvements that may be necessary for the system to promote the efficient, economical, safe, and convenient movement of people and goods.

Your Committee agrees that an identification of the current problem areas is necessary before the state highway system can be improved in a manner insuring future adequacy and efficiency consistent with planned growth throughout the state.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 92, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1106 Finance on H.R. No. 459

The purpose of this resolution is to request the Department of Transportation to study the air cargo facilities on the neighbor islands.

Interisland air cargo is important to the economy of Hawaii, particularly in the shipment of agricultural products to Honolulu markets from the neighbor islands.

All indications are that the demand for air cargo will expand. However, the present air cargo facilities at neighbor island airports may not be adequate to handle existing capacity much less any increased capacity.

Your Committee therefore recommends that a study be conducted to determine the adequacy of existing air cargo facilities. The study should include: 1) any projected increase in the volume of air cargo and the impact on facility requirements; 2) plans for the improvement or expansion of air cargo facilities if determined necessary; and, 3) the funding source and implementation schedule for improvements or expansion of air cargo facilities if deemed necessary.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 459, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1107 Finance on H.R. No. 32

The purpose of this resolution is to explore new alternatives to develop effective community awareness and public relations programs which can inform the public of

the successes in the public education programs and increase community participation in our schools.

Too often, efforts to continually improve our school system highlight what isn't working in our schools at the expense of overlooking those individuals and programs which are, in fact, working very well.

Your Committee agrees that efforts should be directed at keeping the public informed of successful programs and dedicated efforts taking place in our schools. Such efforts can keep communities informed of school activities, increase interest and participation in our schools, create a better understanding of our education programs, and maintain public confidence in our education system.

This resolution requests the Department of Education and the Hawaii Public Broadcasting Authority to explore alternatives to develop effective community and public awareness programs to better inform the public on the successes in public education programs, and to report their findings and recommendations to the State House of Representatives sixty days prior to the convening of the 1980 regular legislative session.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 32, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1108

Finance on H.R. No. 37

The purpose of this resolution is to request the University of Hawaii to review the recommendations contained in the 1973 legislative auditor's report on the University faculty workload to assess the degree of conformity in spirit and actual compliance by the University of Hawaii.

An audit of the University of Hawaii's faculty workload was conducted prior to the Regular Session of 1973. The data base for the 1973 audit on faculty workload differed from the University's methodology in measuring and quantifying faculty workload. Whatever policies and practices governing faculty workload which existed, could not be articulated by the University with any clarity or consistency given the difference between the data base used in the study and the methodology of the University's management procedures at that time.

Since then, a computerized reporting procedure on workloads, overloads, and stipends has been developed, so that data can be produced with greater efficiency and effectiveness. However, while the methodological difference between the University and the data base used in the audit has been resolved, there is still need for clear and consistent articulation of University policies. Your Committee agrees that there is also a need to determine which aspects of the faculty workload issue are subject to collective bargaining.

Your Committee has amended this resolution to delete a "Be it further resolve" clause that was erroneously typed twice.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 37, H.D. 1 as amended herein and recommends its adoption in the form attached hereto as H.R. No. 37, H.D. 2.

Signed by all members of the Committee.

SCRep. 1109

Finance on H.R. No. 87

The purpose of this resolution is to request an assessment of the adequacy of existing funding sources for general aviation operation.

A report by the Legislative Auditor shows that the statewide airport system as being self-sufficient as required by statute. The report also reveals, however, that revenues derived from certain components of the system do not cover their share of the expenses and instead are partially subsidized by other components. One of these subsidized components is identified as general aviation.

Presently, contributions to the airport special fund by the general aviation industry consist of revenues primarily from fuel taxes, and rental fees for T-hangars and tie-down

spaces. For fiscal year 1978, this total revenue amounted to approximately \$83,000. In comparison, the total revenue for the airport system was nearly \$56 million.

Your Committee agrees that a review should be conducted on the adequacy of existing funding sources for general aviation and possible alternatives for generating revenues in the interest of equity and fairness.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 87, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1110 Finance on H.R. No. 169

The purpose of this resolution is to request the Marine Affairs Coordinator to conduct a review of the status of marine education programs in the State.

Since Hawaii's history, culture, lifestyle, and economic well being are so closely linked to the sea, it is imperative that the people of Hawaii, particularly its young people, be informed and educated in matters relating to the sea.

Hawaii is unique in regards to marine education. We already have some excellent marine education programs and a nationwide reputation as the leading state in this field. Unfortunately, Hawaii is also seriously deficient in some key marine education areas. The marine education field is large and complex, but, there is no single person or agency that is aware of all the marine education efforts underway in the State.

Your Committee agrees that a review of existing programs within the state is necessary if Hawaii is to develop a complete, statewide, multidisciplinary marine education program.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 169, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1111 Finance on H.R. No. 172

This resolution requests that the Department of Land and Natural Resources submit to the Legislature the final report on the development of the Hawaii Fisheries Master Plan prior to the convening of the 1980 Regular Session.

Fisheries in Hawaii have enormous potential in the relatively near future. There are considerable fishery resources within the 200 mile fisheries conservation zone surrounding the Hawaiian Islands but most of these resources are virtually untapped. The lack of local harvesting capabilities has deprived the State of the ability to reap the economic benefits of the industry.

The 1978 Legislature, recognizing the importance of the fishery potential to Hawaii's economy, requested that a state fisheries development plan be created. Your Committee finds that the work on this plan has been progressing, and that the final report is expected to be completed in August or September of this year.

Your Committee believes that the findings and conclusions of this report would be of great value and use to the Legislature in its deliberations.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 172, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1112 Finance on H.R. No. 330

This resolution requests the College of Tropical Agriculture and Human Resources of the University of Hawaii, with the assistance of other government agencies and the private sector, to study all aspects of the taro industry, including crop production, processing, and marketing to determine those methods which are best suited for taro.

Your Committee agrees with the goal of advancing diversified agriculture in the state,

and believes that taro as an industry is very promising and would contribute to the strengthening of Hawaii's agriculture and economy in general.

Currently, taro contributes approximately \$1 million annually to the state's economy. With the expansion of the taro industry, however, problems have emerged in such areas as crop production, processing and marketing. Your Committee therefore believes that a comprehensive analysis of the industry is required for taro to reach its potential in the state's diversified agricultural market.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 330, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1113

Finance on H.R. No. 328

This resolution, as amended by your Committee, requests the Departments of Transportation and Land and Natural Resources to conduct a study on the feasibility of converting Hanalei Pier on the north shore of Kauai to a recreational use facility.

In its original form, this resolution requested the transfer of Hanalei Pier from the Department of Transportation (DOT) to the Department of Land and Natural Resources (DLNR). DLNR was then to develop the pier for recreational purposes.

Your Committee believes, however, that such a transfer is premature. Questions such as the cost of repairing, maintaining, and operating the facility, as well as the demand for such a facility, need to be answered prior to effecting any transfer of this nature. Your Committee has thus amended this resolution to request that a study be done on this matter by DOT and DLNR jointly, and that a report be submitted to the House of Representatives prior to the Regular Session of 1980.

The title of the resolution was also amended to more accurately reflect the intent of the resolution in its amended form.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 328, as amended herein, and recommends its adoption as H.R. No. 328, H.D. 1.

Signed by all members of the Committee.

SCRep. 1114

Finance on H.R. No. 395

This resolution requests the State Planning and Advisory Council on Developmental Disabilities to study the status and needs for services for developmentally disabled adults in the state, including potential results of the lack of services to developmentally disabled adults, and in terms of financial burdens to families and the State.

Presently, the jurisdiction and responsibility of the Department of Education for those individuals who are developmentally disabled ceases at age 20. After that time, there seems to be no mechanism to ensure the continuity of services and programs to these individuals to enable them to have the opportunity to reach the optimum level of their potentials.

Your Committee agrees that a determination of the extent of the needs of the developmentally disabled and the extent to which such needs are met by existing services and programs may indicate directions which the State should take in attempting to meet the needs of the developmentally disabled.

Since the State Planning and Advisory Council on Developmental Disabilities is charged with the responsibility of planning, coordinating, and evaluating services within the state for the developmentally disabled, your Committee agrees that it is the proper agency to conduct this study and report its findings and recommendations to the Legislature.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 395, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1115

Finance on H.R. No. 427

The purpose of this resolution is to request the State Commission on Manpower and Full Employment to conduct a study for the employment of the elderly in part-time positions created by the state. The study should include an assessment of costs, legality, and other related matters.

Your Committee finds that there are many functions and duties that the state provides which could be performed by the elderly including school traffic monitors, playground supervisors, cafeteria helpers, companions for disabled and frail persons, and teachers' aides. Many elderly, if employed in such positions on a part-time basis, would not only be providing vital services but would also be earning income, oftentimes vitally necessary for those on fixed incomes in these times of rapid inflation. These elderly would benefit socially and emotionally as well, as employment instills a feeling of self-worth through contribution to the community and in financial independence.

Your Committee, although in sympathy with the needs of the elderly, also recognizes the need to consider the availability of these part-time positions to those mothers with young children who wish to work only while their children are in school. This study then, becomes even more vital to assess the needs of the elderly in terms of costs, legality, and impact on other sectors of society.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 427, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1116

Finance on H.R. No. 471

This resolution requests the department of health and the department of social services and housing to examine the feasibility of developing day care centers for the elderly in areas of the state not now adequately served by such centers.

Your Committee finds that senior day care centers are an economical and desirable means of caring for individuals who, in view of their age and disabilities, would require protective, supervised care, therapeutic activities and assistance for part of the day. These centers for the elderly provide for an alternative to institutionalization. They also enable relatives of the disabled elderly to maintain employment and provide much needed relief to the relatives from the exhausting task of providing twenty-four hour care to the disabled elderly family member.

As those currently established elderly day care centers operating in the state have waiting lists and frequently receive inquiries from families of those individuals who could benefit from the services provided, your Committee believes that an examination of the feasibility of establishing additional centers throughout the state and possible sources of funding for such centers is both timely and necessary.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 471, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1117

Youth and Elderly Affairs on S.C.R. No. 46

The purpose of this concurrent resolution is to request the Governor of Hawaii to set aside the week of May 6 through 13, 1979 in honor of Hawaii's gifted and talented children.

Your Committee wishes to stress the fact that if this request is granted this will be the second annual observance of a "Hawaii Gifted and Talented Children's Week."

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of S.C.R. No. 46 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1118 Health on S.C.R. No. 34

The purpose of this concurrent resolution is to recognize April, 1979 as Cancer Control Month.

Cancer is a leading cause of death in Hawaii as one out of every four residents will be stricken with cancer. The American Cancer Society and its over 14,000 volunteers is a major force in the fight against cancer. The Cancer Society through its valuable educational programs for the public, and its research, service and rehabilitation programs contributes to the control and possible conquest of cancer.

Your Committee on Health concurs with the intent and purpose of S.C.R. No. 34 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1119 Transportation on S.B. No. 1118

The purpose of this bill is to amend Section 268-16, Hawaii Revised Statutes, to give the director of transportation discretion in submitting a report on his activities under this chapter to the legislature.

Your Committee notes that the Department of Transportation is in concurrence with this bill.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 1118 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1120 Judiciary on S.B. No. 5

The purpose of this bill is to implement the amendment to Section 14 of Article 1 of the Hawaii Constitution which requires that "Juries, where the crime charged is serious, shall consist of twelve persons".

While the foregoing language of Section 14, Article 1 may suggest the concept that a jury of less than 12 members would be allowed for less than serious offenses, your Committee finds that the proper interpretation is that a jury trial is required only when the offense is a serious one and that no jury trial is required for petty, or less than serious, offenses inasmuch as (1) such an interpretation is consistent with the prior interpretation of an accused's right to trial by jury and addresses the impracticality of allowing jury trials for the hundreds upon hundreds of traffic and other minor offenses, and (2) the Constitutional Convention of 1978 did not indicate an intent to alter the prior interpretation which surely it would have had it intended to effectuate so radical a change.

Your Committee further finds that defining a "serious" crime as "any crime for which the defendant may be imprisoned for six months or more", being consistent with Federal case law and rulings of our own Supreme Court, is an appropriate line of demarcation between serious and petty offenses.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 5 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1121 Judiciary on S.B. No. 481

The purpose of this bill is to reduce the amount of compensation awarded under the criminal injuries compensation law, if the Criminal Injuries Compensation Commission (CICC) finds that a dead or injured victim was partially responsible for such death or injury, using a comparative negligence standard.

Present law provides for the reduction of the amount of compensation awarded a victim of a crime in accordance with the CICC's assessment of the degree of the victim's share

of the responsibility for the crime that caused his injury or death. This bill substitutes a comparative negligence standard for the purposes of reducing the award.

Your Committee finds that the comparative negligence standard, being more specific and objective, would lead to more equitable and just awards being made by the CICC and recommends that it be made the test to be used by the CICC in these matters via enactment of this bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 481, S.D. 2, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1122 Judiciary on S.B. No. 578

The purpose of this bill is to amend Article XVII, Section 2, of the Constitution of the State of Hawaii, to raise the percentage of voters who must ratify an amendment or revision of such institution from thirty-five percent to fifty percent of all votes cast at the particular election.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 578 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1123 Judiciary on S.B. No. 176

The purpose of this bill is to further define the term "displaced person" under section 111-2 of the Hawaii Revised Statutes, to include only those persons who are lawfully residing or occupying real property.

Under present law, a displaced person may be compensated by the State for displacement from his land caused by the acquisition of such land by the State for a public purpose or for other purposes in the public interest. This bill amends the present law to exclude from the definition of a displaced person, a squatter or trespasser upon State land or any other person unlawfully residing on or occupying any real property.

Your Committee finds that excluding persons unlawfully occupying real property from the definition of displaced persons within the meaning of section 111-2 would rectify the incongruous situation where such person would in effect be able to gain from his wrongful action by being compensated for squatting or trespassing.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 176, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1124 Judiciary on S.B. No. 6

The purpose of this bill is to implement the amendment to Section 13 of Article 1 of the Hawaii Constitution which requires that "In suits at common law where the value in controversy shall exceed one thousand dollars, the right of trial by jury shall be preserved".

The Constitutional Convention of 1978 raised the minimum amount in question needed before a jury trial is required in civil cases from \$100 to \$1,000 because "\$100 is too small by today's standards, especially when viewed with regard to inflation." (Constitutional Convention Standing Committee Report No. 69, page 3).

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 6 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1125 Youth and Elderly Affairs on H.R. No. 116

The purpose of this resolution is to provide for a review of the programs and activities of the Office of Children and Youth by the House Committee on Youth and Elderly Affairs to assess the compatibility of the programs and activities of the Office of Children and Youth with the provisions of the statutes governing the Office, the adequacy of funding resources to enable achievement of the goals and objectives for children and youth, and the need for amendments to the statutes governing the Office.

Your Committee finds that it has been three years since the Office of Children and Youth was created by Act 207, Session Laws of Hawaii 1976, and nearly two years since the Office began official operation. Your Committee finds, therefore, that it is time for a review to re-asertain the original intent of this legislation, and to redetermine or reinforce legislative directions for the Office's operations.

Your Committee has amended H.R. No. 116 to make it clear that the House Committee on Youth and Elderly Affairs shall be responsible for completing the review and to require a report to the Legislature twenty days prior to the 1980 Regular Session rather than during the current session.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of H.R. No. 116, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 116, H.D. 1.

Signed by all members of the Committee.

SCRep. 1126 Youth and Elderly Affairs and Education on H.R. No. 114
(Majority)

The purpose of this Resolution is to request the State of Hawaii House of Representatives' Committees on Youth and Elderly Affairs, and Education to examine the need for public school instruction about parenting skills and proper prenatal and postnatal care and to report their findings and recommendations to this session of the Legislature.

The Resolution has been amended by your Committees to clarify the Committees responsible for carrying out the intent of the Resolution and to change the reporting date from 1979 to twenty days before the convening of the Regular Session of 1980. Since the request involves Committee work during the interim the Resolution is being referred to your Committee on Legislative Management.

Your Committees on Youth and Elderly Affairs, and Education are in accord with the intent and purpose of H.R. No. 114, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 114, H.D. 1.

Signed by all members of the Committees except Representative Anderson.
(Representative Sutton did not concur.)

SCRep. 1127 Youth and Elderly Affairs and Judiciary on H.R. No. 383

The purpose of this Resolution is to review the treatment of female status offenders within the Hawaii Juvenile Justice System to determine if their treatment is less equitable, fair and just than treatment of male status offenders.

Testimony provided your Committees cited some available statistical evidence sufficient to convince your Committees that the proposed review is necessary to determine what, if any, inequities exist between treatment of female and male status offenders.

Your Committees have amended the Resolution as follows:

1. Changing the title of the Resolution by substituting the word "all" for "female." This reflects your Committees belief that determining inequities between sexes can only be done if the treatment of both sexes is reviewed.
2. Correspondingly the word "all" has been substituted for "female" where appropriate.

3. A new resolved clause has been added requesting the Legislative Reference Bureau to staff the review.
4. Another resolved clause has been added asking agencies within the Juvenile Justice System to cooperate in the conduct of the review.
5. The Director of the Legislative Reference Bureau has been added to those receiving certified copies of the Resolution.

Your Committees on Youth and Elderly Affairs, and Judiciary concur with the intent and purpose of H.R. No. 383, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 383, H.D. 1.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1128 Transportation; and Water, Land Use, Development and
Hawaiian Affairs on H.R. No. 90

The purpose of this resolution is to review the 1995 Master Plan for Honolulu Harbor and the Conceptual Plan for the development of the World Trade Center and Aloha Tower Plaza in consideration of possible changes in Hawaii surface transportation needs and economy.

Your Committees notes that the Department of Transportation (DOT), has agreed to cooperate fully with the review.

Your Committees recommend that the review should include the Aloha Tower Authority for maximum coordination and planning, and thus amend the title and the resolution accordingly. Your Committees further recommend that the findings on this review be deferred prior to the adjournment of the Regular Session of 1980.

Your Committees on Transportation and Water, Land Use Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 90, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 90, H.D. 1.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1129 Transportation on H.R. No. 93

The purpose of this resolution is to study the feasibility of transferring all road maintenance responsibilities to either the State government or the county governments to reduce duplications in administration, operation and maintenance of highways.

Your Committee feels that the study should not be restricted to only maintenance responsibilities but also to include planning and construction responsibilities as well, and has amended this accordingly.

Your Committee has also amended this resolution to include the Department of Transportation recommendations that the Legislative Reference Bureau be selected to do this study.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 93, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 93, H.D. 1.

Signed by all members of the Committee.

SCRep. 1130 Transportation on H.C.R. No. 127

The purpose of this concurrent resolution is to study the feasibility of transferring all road maintenance responsibilities to either the State government or the county governments to reduce duplications in administration, operation and maintenance of highways.

Your Committee feels that the study should not be restricted to only maintenance responsibilities but also to include planning and construction responsibilities as well,

and has amended this accordingly.

Your Committee has also amended this concurrent resolution to include the Department of Transportation recommendations that the Legislative Reference Bureau be selected to do this study.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 127, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 127, H.D. 1.

Signed by all members of the Committee.

SCRep. 1131 Legislative Management

Informing the House that House Resolution Nos. 773 to 779, and Standing Committee Report Nos. 1132 to 1139, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1132 Judiciary on H.R. No. 207

The purpose of this resolution is to request the Statistical Analysis Center to report the feasibility and cost of expanding its functions to accommodate an agency-by-agency and overall analysis of the criminal justice system.

Your Committee finds that the criminal justice system is composed of various agencies, each with separate, identifiable roles and it is necessary to obtain an overall analysis of the criminal justice system as well as a review of the roles, effectiveness and operation of each agency.

The Statistical Analysis Center performs valuable data gathering services such as Offender Based Transaction Statistics, Uniform Crime Reports and Management and Administrative Statistics which are presently utilized by some agencies within the criminal justice system.

Your Committee further finds that the objective, non-judgmental role of the Statistical Analysis Center in data gathering is a critical factor in establishing an accurate, effective analysis program to properly understand the designated problem areas and tasks to be accomplished within this system.

Therefore, your Committee feels requesting the Statistical Analysis Center to investigate the feasibility and cost of expanding its function within the criminal justice system to accommodate agency-by-agency and overall analysis on a periodic basis will greatly aid in determining the areas of criminal justice that might benefit most by such expanded functions and thus provide for better understanding and prevention of crimes in our society.

Your Committee has amended this resolution in order to clarify what is being requested of the Statistical Analysis Center and has amended its title accordingly.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 207, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 207, H.D. 1.

Signed by all members of the Committee.

SCRep. 1133 Health on H.C.R. No. 154

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to examine the feasibility of establishing a year-round training center in Hawaii for prospective Olympic athletes combined with a sports medicine clinic.

The training center and clinic would serve to benefit our local athletes in competition on a year-round basis. It could also result in significant benefits to Hawaii's visitor industry. As such, your Committee finds that the establishment of such a training center and clinic holds potential for considerable benefit for the people of Hawaii and should be pursued.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 154 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1134 Health; and Youth and Elderly Affairs on H.R. No. 642

The purpose of this resolution is to request the House Committee on Youth and Elderly Affairs to review Part XV, Chapter 321, Hawaii Revised Statutes, relating to mental health services for children and youth for the purpose of developing proposed improvements to the law and existing organizational arrangements.

The Mental Health Division, Department of Health is responsible for providing mental health services to children and youth. Testimony presented by the Department of Health indicates that due to the law and organizational arrangements as they now exist, implementation of such services has been difficult to achieve. Changes to the law may help to alleviate the problems encountered in the provision of services.

Your Committees on Health and Youth and Elderly Affairs concur with the intent and purpose of H.R. No. 642 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees.

SCRep. 1135 Energy; and Public Employment and Government Operations on
H.C.R. No. 142

The purpose of this concurrent resolution is to request the State and the several counties to adopt rules mandating the purchase of four- and six-cylinder vehicles for government use.

Your Committees find that as the price of gasoline rises, Hawaii as well as the rest of the nation is once again faced with the prospect of another severe gas shortage. Therefore, it is incumbent upon government to provide leadership to reduce the inefficient use of fuel by encouraging the purchase and use of energy efficient automobiles.

Your Committees heard testimony from the Department of Accounting and General Services that in certain cases the purchase of eight-cylinder vehicles is appropriate. Therefore, your Committees have amended the "BE IT RESOLVED" clause to request the State and counties to provide rules specifying the conditions under which four- and six-cylinder vehicles may be purchased, and rules specifying when other vehicles may be appropriate. This would permit certain agencies to purchase with justification, eight-cylinder vehicles to meet their operational needs.

The title of the resolution has also been revised in the following manner:

The word "MANDATING" has been replaced with "REGULATING". The words "FOUR- AND SIX-CYLINDER" have been deleted.

The revisions are necessary to encompass the amendments made in the resolved clause explained above.

Your Committees on Energy and Public Employment and Government Operations concur with the intent and purpose of H.C.R. No. 142 as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 142, H.D. 1.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1136 Corrections and Rehabilitation on H.C.R. No. 150

The purpose of this concurrent resolution is to request the Governor of the State of Hawaii to convene the Juvenile Justice Interagency Board as recommended by the State Law Enforcement and Planning Agency (SLEPA) in Supplement No. 1 of the Juvenile Justice Master Plan.

The Juvenile Justice Master Plan is a document submitted to the Legislature in 1975,

describing the State's long term objectives in the area of juvenile justice.

Supplement No. 1, submitted to the Legislature in 1979, adds to this data base, isolates particularly crucial problems which have plagued the juvenile justice system and suggests new emphasis in improving the performance of the system.

A major recommendation of Supplement No. 1 is that the Governor of the State of Hawaii convene the Juvenile Justice Interagency Board to establish and oversee the juvenile justice coordination process of the State and that the Juvenile Justice Coordinating Council, which presently exists, serve as an advisory council to this Board.

Studies conducted by the SLEPA have concluded that a need exists for major agency heads to meet regularly to discuss and resolve issues and policy questions which affect several agencies. Because of the autonomous nature of the juvenile justice components and their varying objectives and roles, the relationships between them can be tenuous, delicate and even competitive. The establishment of a Juvenile Justice Interagency Board would provide a formal mechanism by which greater coordination and communication among all juvenile justice components can be achieved. It is your Committee's intent that the members of this Interagency Board be drawn from different counties or jurisdictions for a statewide composition.

Your Committee has amended this concurrent resolution by amending the sixth Whereas Clause to read as follows:

"WHEREAS, the Supplement No. 1 recommends that the Governor create a Juvenile Justice Interagency Board which will include the police chief of one of the counties, the senior judge of the Family Court of the First Circuit, a chief prosecutor from one of the counties, the Public Defender, the Director of the Department of Social Services and Housing, and a representative of a private agency involved with the juvenile justice process, which will oversee coordination among the components of the juvenile justice system; and,"

Your Committee has further amended this concurrent resolution by adding a Whereas clause to recommend that a representative from the Department of Education be included on this Board.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.C.R. No. 150, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. 150, H.D. 1.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1137 Finance on S.B. No. 1721

The purpose of this bill is to provide the mechanism for the planning and directing of an official celebration of the twentieth anniversary of Hawaii's admission to the Union, which will be celebrated on August 17, 1979.

This bill establishes a Hawaii Statehood Celebration Committee with statewide representation which is empowered and required to prepare an overall program for commemorating the twentieth anniversary of Hawaii's statehood.

An appropriation of \$25,000 is included for the purposes set forth in this bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1721, S.D. 2 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1138 Energy; and Consumer Protection and Commerce on S.B. No. 1375

The purpose of this bill is to redefine the term "shortage" in section 125C-2, Hawaii Revised Statutes, to enable the Governor or his authorized representative to implement precautionary, preventative, and restrictive gasoline conservation measures before a serious gasoline shortage exists.

Act 38 of the 1975 Legislature grants the Governor or his authorized representative

the clear authority, when shortages of petroleum products occur or are anticipated, to control the distribution and sale of petroleum products in this State, to procure such products, and to impose rules that will provide extraordinary measures for the conservation of petroleum products and for their distribution and sale in an orderly, efficient, and safe manner.

Your Committees, however, find that the ten percent figure and the use of the preceding five year average found in Act 38-75 does not correctly apply to the current energy situation. Hawaii retail gasoline dealers are experiencing shortages of supply resulting in station shutdowns. Allocations have been imposed by suppliers which are now being further decreased. The present law did not anticipate such acute shortages occurring so suddenly and does not allow for the imposition of restrictive measures until a serious crises exists.

Your Committees on Energy and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 1375, S.D. 1, and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1139 Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 270 (Majority)

The purpose of this resolution is to comply with the statutory requirements of Section 171-50, Hawaii Revised Statutes. This section requires the department of land and natural resources to submit a resolution for legislative review of action taken on any exchange of public land for private land, which action shall be subject to legislative disapproval in any regular or special session next following the date of exchange. This particular exchange involves an exchange of 125 acres of Haleakala Ranch land for 852.90 acres of State land, the value of each party's exchange being \$1,098,100. The purpose of the exchange is to use the land now owned by Haleakala Ranch in the development of an agricultural park by the County of Maui. The present plan is for the State to lease the land acquired from the Ranch to the County of Maui. The County would then develop an agricultural park and sublease the lots to individual farmers. Rents collected from the sublessees would be turned over to the State. The County intends to acquire another approximately 125 acres directly from the Ranch for use in the proposed agricultural park.

Your Committee, after discussion, has decided to amend the resolution to disapprove this exchange of public land for private land. Your Committee feels that there is a disproportionate eight to one ratio of land to be exchanged and that the County of Maui should acquire the land by condemnation, rather than by exchange. The appraisal was made on October 11, 1978, so that the figures in the appraisal report should presently be accurate. Your Committee noted that there are funds remaining in the state appropriation for the purchase of lands for agricultural parks.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 270, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 270, H.D. 1.

Signed by all members of the Committee.
(Representative Crozier did not concur.)

SCRep. 1140 Legislative Management

Informing the House that House Resolution Nos. 780 to 782, House Concurrent Resolution No. 181, Standing Committee Report Nos. 1141 to 1167, and Conference Committee Report Nos. 1 to 19, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1141 Public Assistance and Human Services on H.R. No. 253

The purpose of this Resolution is to request the Department of Social Services and Housing to conduct and continue the outreach program mandated by the Federal Food Stamp Act of 1977.

Testimony presented by the Department of Social Services and Housing indicated

that food stamp outreach has been conducted throughout the State and will continue to be conducted. The objective of the outreach program is to inform low-income households, particularly the elderly, of the availability, eligibility requirements, and benefits of the food stamp program. In addition, the outreach program assists eligible households in filling out applications and securing the necessary verification and documentation. Continuation of the food stamp outreach program is essential to secure ongoing federal funding and assist as large a proportion as possible of the eligible population.

Your Committee on Public Assistance and Human Services concurs with the intent and purpose of H.R. No. 253 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1142

Public Assistance and Human Services and Finance on H.R. No. 650

The purpose of this Resolution is to request the Speaker of the House of Representatives to appoint an interim committee during the 1979 legislative interim to review the components of the costs of the Medicaid program.

Your Committees find that the Medicaid program fulfills a vital role within the comprehensive health system of the State by providing medical assistance to those who cannot afford adequate health care. The costs of the State's Medicaid program are increasing at an alarming rate, however, and further examination of the components of Medicaid program costs appears to be necessary at this time. Such examination would provide a more accurate assessment of present and anticipated cost trends as well as insights into means by which these cost increases can be alleviated.

Your Committees have amended this Resolution by inserting an additional "Whereas" clause before the first "Whereas" clause to emphasize the value and importance of the Medicaid program. We believe our concern with the costs of the Medicaid program should be balanced with a basic belief that the Medicaid program fulfills a vital and essential role for the people of our State.

Your Committees have also amended this Resolution to provide that certified copies shall also be transmitted to the Director of Health, the Director of Social Services, the Hawaii Medical Association, the Hawaii Dental Association, the Hospital Association of Hawaii, and the Welfare Recipients Advisory Council, which may be interested in participating in a House review of the components of Medicaid program costs.

Your Committees on Public Assistance and Human Services and Finance concur with the intent and purpose of H.R. No. 650, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 650, H.D. 1.

Signed by all members of the Committees.

SCRep. 1143

Public Assistance and Human Services and Finance on H.R. No. 649

The purpose of this Resolution is to request the House Committee on Public Assistance and Human Services to conduct, during the 1979 legislative interim, a review of the arrangement between the State and the Hawaii Medical Service Administration (HMSA) as the fiscal administrator of the state's Medicaid Program.

Since January 1, 1971, the State has contracted with HMSA to serve as the fiscal administrator of the state Medicaid Program, with the responsibility of assuring the accuracy, reasonableness, and non-duplication of payment claims, the necessity of health services rendered, and the eligibility of patients receiving such services. Medicaid costs have continued to spiral at unprecedented rates in recent years and it is part of state government's responsibility to continually explore and identify increased efficiencies in program operations and cost-saving mechanisms without affecting the quality of services rendered to the public. A review of the HMSA as fiscal administrator of Hawaii's Medicaid Program is essential to this effort.

Your Committees have amended this Resolution to include statistics which more clearly illustrate the growing importance of HMSA to the state's Medicaid Program. The fourth

"Whereas" clause has been amended to include the amount of \$477,322, paid as compensation for HMSA's services in FY 1971-72, as an indication of the increasing amounts of payment to HMSA since it was contracted as Medicaid's fiscal administrator. Statistics on the number of claims processed by HMSA in FY 1971-72 and FY 1977-78, as well as unit costs per claim processed, also contribute to an understanding of the changing role of HMSA.

Your Committees have found that the review of the fiscal intermediary contract between the State and HMSA by the Office of the Legislative Auditor, expected to be completed this year, has very recently been transmitted to the Legislature. In view of the availability of this comprehensive review, your Committees have amended the "Whereas" clauses to incorporate a summary of the various issues covered by the study.

The second "Be It Resolved" clause has also been amended to include two other issues which your Committees feel also merit closer attention:

- (1) an assessment of the total costs, unit costs, and marginal costs incurred in processing Medicaid claims, as well as the costs of conducting audits of patient facilities; and
- (2) a review of the nature of data presently collected by HMSA and an evaluation of the most effective ways to use this data.

Other technical and nonsubstantive amendments have also been made.

Your Committees on Public Assistance and Human Services and Finance concur with the intent and purpose of H.R. No. 649, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 649, H.D. 1.

Signed by all members of the Committees.

SCRep. 1144 Public Assistance and Human Services and Finance on H.R. No.
648

The purpose of this Resolution is to review, during the 1979 interim, the Department of Social Services and Housing's Title XX Social Services Program and the programs which are funded under it.

Your Committees find that Title XX, Social Security Amendment of 1974, is the federal legislation which funds much of our State Social Services Program on a 75%-25% Federal-State matching basis. Despite the fact that the cost of providing social services has been steadily increasing, the national funding ceiling of Title XX has remained at \$2.5 billion every year since 1972, with Hawaii's share approximately \$10 million annually. As a result, fewer social services can be purchased under the Title XX Program each year, resulting in annual reductions in programs and populations served. In view of the difficulty of continuing to fund social service programs at present levels within the existing funding ceilings, a review of the Title XX Program and the programs which are funded under it is necessary at this time.

Your Committees have amended this Resolution by deleting the following phrase from the first "Be It Resolved" clause: "to determine ways in which the State could obtain maximum use of its limited allotted funds" because of the difficulty of making such determinations.

Your Committees have also amended this Resolution by deleting from the list of alternatives to address the problem of limited Title XX funding the alternatives of filing legal suits against the federal government and completely closing down the Social Services Program in Hawaii. These alternatives were found to be too severe to merit serious consideration.

Your Committees on Public Assistance and Human Services and Finance concur with the intent and purpose of H.R. No. 648, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 648, H.D. 1.

Signed by all members of the Committees.

SCRep. 1145 Public Assistance and Human Services and Health on H.R. No. 506

The purpose of this Resolution is to request the House Committee on Public Assistance and Human Services to investigate, prior to the 1980 legislative session, the distribution of offices of the Department of Social Services and Housing to determine the potential for achieving greater decentralization of the State's public assistance program. The Committee is further requested to determine the extent to which architectural barriers to the handicapped interfere with the administration of the public assistance program.

Your Committees find that public assistance recipients reside in diverse communities throughout the State and not infrequently, because of their poverty, find travel to the offices of the Department of Social Services and Housing (DSSH) difficult. Furthermore, there are architectural barriers to the handicapped at some of the DSSH offices which may interfere with the sound administration of the public assistance program. An investigation of these matters by the DSSH therefore is warranted.

Your Committees on Public Assistance and Human Services and Health concur with the intent and purpose of H.R. No. 506 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees.

SCRep. 1146 Public Assistance and Human Services and Health on H.R. No. 396

The purpose of this Resolution is to request the Department of the Attorney General and the Department of Social Services and Housing to conduct an investigation of the possible overprescribing of drug products by some physicians for medical assistance recipients.

Testimony presented to your Committee indicated that the Department of the Attorney General and the Department of Social Services and Housing are presently conducting investigations of some of the instances of abuse which have been identified. A continuation and expansion of these investigations appears to be warranted. Furthermore, the resources of Project Integrity, a federally sponsored project to identify and pursue instances of Medicaid fraud and abuse, would be valuable in carrying out these investigations.

Your Committees have therefore amended this Resolution as follows:

- (1) By inserting an additional "Whereas" clause before the first "Be It Resolved" clause to note that the Department of Social Services and Housing and the Department of the Attorney General are presently conducting investigations of the possible overprescribing of drug products by physicians;
- (2) By amending the first "Be It Resolved" clause to request that the Department continue and expand their present investigations rather than conduct new investigations; and
- (3) By inserting an additional "Be It Resolved" clause after the first "Be It Resolved" clause to request that the Departments utilize the resources of Project Integrity in carrying out their investigations.

Other technical and nonsubstantive amendments have been made to this Resolution.

Your Committees on Public Assistance and Human Services and Health concur with the intent and purpose of H.R. No. 396, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 396, H.D. 1.

Signed by all members of the Committees.

SCRep. 1147 State General Planning and Housing on H.R. No. 110

The purpose of this resolution is to review the Hawaii Housing Authority's progress in developing the statewide housing functional plan required by the Hawaii State Planning Act, Act 100, SLH 1978. Testimony presented by Franklin Sunn for Andrew Chang,

Director of the Department of Social Services and Housing, stated that major objectives and policies for housing in Hawaii were identified in the State Housing Functional Plan, presented to the 1979 State Legislature. The study analyzed current and projected state housing needs and identified those with low incomes, the elderly, and a "gap group" composed of those overqualified for public housing assistance and underqualified for private, conventional financing assistance as the primary population groups in need of considerable government assistance.

However, it was further stated that the State does not have sufficient resources and private sector support to meet all statewide housing needs. The "home rule" concerns were also taken into account by permitting any county willing and capable of taking the lead role in housing to do so. The County of Maui has indicated to the Hawaii Housing Authority their desire to assume the lead role within its jurisdiction.

Your Committees find that the plan does not analyze the effects of government regulation on private sector housing cost. This plan does not discuss the interaction between County, and Federal government, neighborhood boards and developers, nor does it recommend ways in which costs can be cut. It was further indicated that the plan was not reviewed in accordance with the procedures set forth under the Hawaii State Planning Act, Act 100, SLH 1978.

In view of these and other concerns, your Committees find that additional review and evaluation of the functional plan is needed and have appropriately amended this resolution to request the review and examination of the statewide housing plan during the 1979 Legislative Interim by an interim committee.

Your Committees on State General Planning and Housing concur with the intent and purpose of H.R. No. 110, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 110, H.D. 1.

Signed by all members of the Committees.

SCRep. 1148 Judiciary on S.B. No. 1169

The purpose of this bill is to allow consuls and official representatives of territories of the United States of America to use special license plates.

Your Committee finds that the privilege of using special license plates is already given to consuls and official representatives of foreign governments. This bill extends the privilege to territories of the United States. Once a territory ourselves, it is fitting that we extend this gesture of aloha to our territorial neighbors. The bill also provides a consul or representative the option of using license plates furnished by his government, which plates would then be considered "special license plates" upon registration with the county and payment of appropriate fees.

Your Committee also finds that this bill no longer allows the foreign or territorial official to retain his special plate after he transfers ownership of the vehicle to which the plate was assigned.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1169, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia and Nakamura.

SCRep. 1149 Public Employment and Government Operations on S.C.R. No. 57

The purpose of this concurrent resolution is to request review of the compensation plans covering the secretarial classes within the civil service system.

Section 77-4 and 77-5, Hawaii Revised Statutes, presently require the Conference of Personnel Directors to biennially review all public employee compensation plans and submit tentative recommendations to the Public Employee Compensation Appeals Board (PECAB), which in turn conducts hearings on pricing appeals and makes whatever adjustments are necessary. A report setting forth the final compensation plan and the cost thereof is then submitted to the Legislature for approval.

In 1975, the Department of Personnel Services established a five-level secretarial series (I to V), with salary ranges of SR 9 - 11 - 12- 14 - 16. The conference supported this position because they believed that the scope, variety, and complexity of the work requirements within the class were sufficiently distinct to warrant five levels. However, PECAB disagreed and repriced Secretary I from SR 9 to SR 10 and Secretary II from SR 11 to SR 12 while maintaining a two-step differential between Secretary III, IV, and V.

Subsequently in 1977 PECAB changed its position and established a one-step differential between Level I through Level IV (SR 11 to SR 14) and a two-step differential between Levels IV and V (SR 14 to SR 16).

Testimony from the State Secretaries Association and the Public Employees Management Association of Hawaii indicated these compensation plans have adversely affected the morale of all secretaries in government service in that virtually all other comparable classes in the civil service presently enjoy a two-step differential between levels.

To correct this disparity, it was recommended that (1) the present five levels be reduced to four, (2) a standard two-step differential be established between all levels, and (3) that a two-step differential between the Secretary and the Private Secretary series be maintained.

Your Committee further finds that the 1978 Legislature had adopted S.C.R. No. 114 requesting the personnel directors of the State, the Judiciary, and the City and County of Honolulu to "review the compensation plans covering the secretarial classes of the civil service of the State of Hawaii, the Judiciary and the City and County of Honolulu" and to submit recommendations for the timely correction of possible inequities. The report has since been completed and the following recommendations were made: (1) that the Conference of Personnel Directors and the Public Employees Compensation Appeals Board make such review of the compensation plans covering the secretarial classes of the State of Hawaii, Judiciary, and City and County of Honolulu as part of the forthcoming biennial review prescribed by Section 77-4 and 77-5, Hawaii Revised Statutes, and (2) that the report to the State Legislature setting forth the final compensation plan as required by Section 77-4(d) and Section 77-5(4)(B) include the results of the review of secretarial classes of the State of Hawaii, Judiciary, and City and County of Honolulu.

Your Committee has therefore amended S.C.R. No. 57, S.D. 1 accordingly to incorporate these recommendations. The concurrent resolution has been further amended to request that the Conference of Personnel Directors and PECAB examine the feasibility of establishing a four-level secretarial series with a standard two-step differential between each level. The title of the resolution has also been amended to more accurately reflect legislative intent. Your Committee wishes to emphasize that the maintenance of a two SR differential between levels in the secretarial class is in keeping with the accepted standards of the overall State Compensation plans, and therefore inequity exists where a one SR differential is established for Secretarial levels I through IV, while virtually all other comparable classes in State and County government enjoy a two SR differential between levels. Any disparity in public employee compensation plans is a matter of serious concern to the Legislature, and thus your Committee intends that the joint review be conducted as expeditiously as possible so that immediate action may be taken to rectify the situation.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of S.C.R. No. 57, S.D. 1 as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.C.R. No. 57, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1150

Education on H.R. No. 19

The purpose of this resolution is to request the House Committee on Education to review the Department of Education's current and proposed basic skills instruction and testing programs, with particular attention directed at the programs' cost implications, target groups, evaluation measures, timetables, and objectives.

Your Committee finds that the basic skills, i.e. reading, writing, speaking, computing, and measuring, should be the main focus of educational programs especially since they are necessary to function effectively in society, and therefore believes that a comprehen-

sive review of the Department of Education's plans and programs for basic skills instruction and testing programs should be conducted.

The Department of Education testified in support of the resolution. They reported that their proposed "Basic Skills Instruction" plan which includes testing activities is to improve instruction such that all learners can be assisted to move toward their fullest potential, and that more data on learners and their needs will enable them to fulfill this goal efficiently.

The Hawaii State Teachers Association also testified in support of the resolution.

Your Committee has amended the resolution to have the House Committee on Education conduct the review of basic skills instruction and testing programs during the 1979-80 legislative interim, and to report its findings and recommendations to the Legislature prior to the convening of the 1980 regular legislative session.

Your Committee on Education concurs with the intent and purpose of H.R. No. 19, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 19, H.D. 1.

Signed by all members of the Committee.

SCRep. 1151 Housing on H.R. No. 754

The purpose of this resolution is to request that the Office of the Legislative Reference Bureau carry out a study of speculation in Hawaii's housing market and that the study include a determination of the incidence of speculative buying and selling and its effects on the housing market, and the feasibility of instituting measures to restrain speculation.

Although a steadily increasing supply of housing units of appropriate quality are provided to the marketplace by Hawaii's development industries, the rate of owner occupancy has not grown substantially, and about 50 percent of Hawaii's families are unable to own their homes. While this has been ascribed to the rising costs of land and construction, such increases are disproportionate to the rapid increases in the cost of single family homes.

One of the causes of housing cost increase in Hawaii is the excess demand for homes, a significant source of which comes from persons seeking to acquire residential property as an investment, with the primary intent of realizing capital gains from resale after a short holding period, rather than for its use as a home. This behavior is supported by many characteristics of Hawaii's housing market.

Your Committee finds that many unanswered questions exist about methods of restraining this type of buying and selling activity in real property, and that regulation to limit this behavior has been instituted in Washington, D.C., Vermont, Ontario, and other jurisdictions, the effects of which should be assessed to determine likely impacts of similar measures in Hawaii.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 754 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1152 Housing on H.C.R. No. 178

The purpose of this concurrent resolution is to request that the Office of the Legislative Reference Bureau carry out a study of speculation in Hawaii's housing market and that the study include a determination of the incidence of speculative buying and selling and its effects on the housing market, and the feasibility of instituting measures to restrain speculation.

Although a steadily increasing supply of housing units of appropriate quality are provided to the marketplace by Hawaii's development industries, the rate of owner occupancy has not grown substantially, and about 50 percent of Hawaii's families are unable to own their homes. While this has been ascribed to the rising costs of land and construction, such increases are disproportionate to the rapid increases in the cost of single family homes.

One of the causes of housing cost increase in Hawaii is the excess demand for homes, a significant source of which comes from persons seeking to acquire residential property as an investment, with the primary intent of realizing capital gains from resale after a short holding period, rather than for its use as a home. This behavior is supported by many characteristics of Hawaii's housing market.

Your Committee finds that many unanswered questions exist about methods of restraining this type of buying and selling activity in real property, and that regulation to limit this behavior has been instituted in Washington, D.C., Vermont, Ontario, and other jurisdictions, the effects of which should be assessed to determine likely impacts of similar measures in Hawaii.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 178 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1153 Housing on H.R. No. 704

The purpose of this resolution is to request that the Hawaii Housing Authority (HHA) study the feasibility of developing housing for the elderly in the 21st District, and that this study include an analysis of sources of financing, and a possible timetable for developing the housing project.

Because there is a steadily growing population of elderly people living on modest fixed incomes and because of the present inflationary trend of the economy, it appears that future developments in the housing market are likely to place the elderly in a disadvantageous position when trying to find decent housing.

Your Committee finds that the HHA, experienced in developing housing for the elderly, controls or could gain access to significant land acreage in the 21st District, and that many of Hawaii's elderly desire to live outside the Honolulu urban area but are restricted due to limited availability of housing units at prices they can afford.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 704 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1154 Housing and Youth and Elderly Affairs on H.R. No. 738

The purpose of this Resolution is to request the Hawaii Housing Authority to study the feasibility of developing elderly housing in the Keaahala Community Complex in the Kaneohe area. The specific area the study is intended to cover is the land owned by the State and presently zoned for park use. This land is located Mauka of Kahekili Highway and on the Kahaluu side of Keaahala Road.

There are a number of factors which your Committees believe are favorable for elderly housing in the Keaahala Community Complex. These factors include a major health care facility in the Hawaii State Hospital; numerous parks, recreational opportunities, and open space areas; the Windward Community College offering continuing education programs; ready access to major public transportation arteries; and close proximity to the Kaneohe downtown area.

Your Committees have amended the Resolution by making minor non-substantive technical changes.

Your Committees on Housing, and Youth and Elderly Affairs concur with the intent and purpose of H.R. No. 738, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 738, H.D. 1.

Signed by all members of the Committees.

SCRep. 1155 Youth and Elderly Affairs and Housing on H.R. No. 707

The purpose of this Resolution is to request the House Committee on Youth and Elderly Affairs to examine the need for and, if necessary, the form of regulating by law the

financial activities and the operations and management of multi-unit residential buildings financed under a lease arrangement where the buyer pays for an estate for life tenancy in a living unit and continuing payments to cover operation and maintenance costs.

Your Committees find that these kinds of residential arrangements for the elderly are referred to often as "retirement homes" and may require special attention by government to insure that they provide a healthful, safe, economically stable, adequately staffed, and sound physical plant facility for housing the elderly.

Your Committees on Youth and Elderly Affairs, and Housing concur with the intent and purpose of H.R. No. 707 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees.

SCRep. 1156

Health on H.R. No. 722

The purpose of this resolution is to request the Department of Health and the School Health Services Advisory Committee to jointly examine the statewide school health services program.

The school health services program serves an important function in that it makes valuable health services available in the schools.

Your Committee feels that, in order that the program serve its purpose in the most efficacious manner, several prerequisites must be met. The study should address itself to these matters. Included among these points are:

- 1) identification of specific goals and objectives of the program;
- 2) establishment of a timetable for the achievement of the goals and objectives;
- 3) identification of the roles and functions of school health nurses and school health aides under the program relative to the goals and objectives of the program;
- 4) clarification of qualifications of program personnel;
- 5) differentiation of health services needs at different school levels;
- 6) projections of costs for meeting the goals and objectives of the program;
and
- 7) analysis of necessary or desirable changes in the direction, emphasis, and need for the program.

Your Committee on Health concurs with the intent and purpose of H.R. No. 722 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1157

Health on H.R. No. 692

The purpose of this resolution is to request the Department of Health to conduct a study of health screening services in Hawaii, and in this study to evaluate the need for and merits of establishing a centralized organization for the planning, coordination, administration and evaluation of health screening services in the State.

Your Committee finds that a study of health screening services is needed and desirable. However, the resolution as written does not sufficiently delimit or identify the specific age groups of the population to whom the study is to be addressed. Nor does the resolution as written request an assessment of potentially useful screening programs other than through a centralized and comprehensive organizational structure, which may not be the most appropriate mechanism.

Your Committee therefore has amended the resolution by specifying that the study apply only to screening for persons eighteen years of age and younger; and by deleting the request for an evaluation of a centralized, comprehensive, screening system per

se, substituting a request for an evaluation of any programs with potential to fill currently unmet needs for health screening.

Your Committee on Health concurs with the intent and purpose of H.R. No. 692 as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 692, H.D. 1.

Signed by all members of the Committee.

SCRep. 1158

Health on H.R. No. 625

The purpose of this resolution is to request the Office of the Legislative Auditor to review and examine the delivery of dental services in the State.

Dental health is important as it is one facet of the total health care of an individual. Thus, the provision of dental health services is an important issue which affects people throughout the State. The fact that Hawaii's children have one of the highest dental caries rates in the nation has led those responsible for dental care to support a general evaluation of dental services.

Another point of much concern is the provision of dental services to those who, because of a number of reasons, (financial inability, geographic isolation, cultural and psychological reasons) are not now receiving adequate dental care.

A spectrum of dental services are provided through the operations of the Department of Health, Dental Health Division, non-profit private clinics (i.e. Strong-Carter, Kokua Kalihi Valley and Kaumakapili Clinics) and dentists in private practice. The objective of the review is to identify and present plans for the most effective and cost efficient use of our resources in dental care. Included in the objective then is the question of the expenditure of funds and effort in direct services versus education and a preventive approach for the Department of Health Dental Health Division. The Department of Health's role, relative to dental health services in the State, needs to be clarified. Its role as a direct service provider and/or as a coordinator and consultant for programs should be made clear.

Your Committee has amended the resolution to:

1. Focus parts of the review on the Dental Health Division, Department of Health;
2. Study the need for state employed dentists;
3. Study the possible expansion of fee-for-service contractual arrangements;
4. Identify and analyze the present modes of delivery of services;
5. Specify that accessibility and utilization of dental health services be studied for: a) recipients of public assistance, b) low income gap group persons, and c) persons residing in geographic areas with inadequate dental service;
6. Add the private non-profit clinics and Department of Social Services and Housing to those involved in the review; and
7. Delete the third item in the review list.

Your Committee on Health concurs with the intent and purpose of H.R. No. 625, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 625, H.D. 1.

Signed by all members of the Committee.

SCRep. 1159

Health on H.C.R. No. 156

The purpose of this concurrent resolution is to request the Office of the Legislative Auditor to review and examine the delivery of dental services in the State.

Dental health is important as it is one facet of the total health care of an individual.

Thus, the provision of dental health services is an important issue which affects people throughout the State. The fact that Hawaii's children have one of the highest dental caries rates in the nation has led those responsible for dental care to support a general evaluation of dental services.

Another point of much concern is the provision of dental services to those who, because of a number of reasons, (financial inability, geographic isolation, cultural and psychological reasons) are not now receiving adequate dental care.

A spectrum of dental services are provided through the operations of the Department of Health, Dental Health Division, non-profit private clinics (i.e. Strong-Carter, Kokua Kalihi Valley and Kaumakapili Clinics) and dentists in private practice. The objective of the review is to identify and present plans for the most effective and cost efficient use of our resources in dental care. Included in the objective then is the question of the expenditure of funds and effort in direct services versus education and a preventive approach for the Department of Health Dental Health Division. The Department of Health's role, relative to dental health services in the State, needs to be clarified. Its role as a direct service provider and/or as a coordinator and consultant for programs should be made clear.

Your Committee has amended the concurrent resolution to:

1. Focus parts of the review on the Dental Health Division, Department of Health;
2. Study the need for state employed dentists;
3. Study the possible expansion of fee-for-service contractual arrangements;
4. Identify and analyze the present modes of delivery of services;
5. Specify that accessibility and utilization of dental health services be studied for: a) recipients of public assistance, b) low income gap group persons, and c) persons residing in geographic areas with inadequate dental service;
6. Add the private non-profit clinics and Department of Social Services and Housing to those involved in the review; and
7. Delete the third item in the review list.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 156, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 156, H.D. 1.

Signed by all members of the Committee.

SCRep. 1160

Health on H.R. No. 676

The purpose of this resolution is to request the Department of Social Services and Housing and the Department of Health to investigate the accessibility to services for the handicapped, including the hearing impaired. A determination of the adequacy of available training of interpreters for the hearing impaired and recommendations for funding sources and responsibility for providing interpreter services is also requested.

Testimony presented by the Department of Social Services and Housing and the State Planning and Advisory Council on Developmental Disabilities indicate that ensuring equal access to health, welfare and social services is a problem for handicapped persons as it is costly and there has been little work done in that area. An Information and Referral Center for the Hearing Impaired to assist agencies within the community in making their services more accessible to hearing impaired persons was established in 1976. The project will terminate in September 1979.

There currently are four available certified deaf interpreters. A Federally funded three-year program to train approximately twenty-five additional deaf interpreters will cost \$45,000. Most agencies, public or private, have no funds for interpreter services.

A review by the Vocational Rehabilitation and Services for the Blind Division of the

Department of Social Services and Housing indicates that additional funds will be required to ensure equal access to services.

Your Committee finds that further study is necessary to assess the fiscal implications of ensuring equal access to services by handicapped persons.

Your Committee on Health concurs with the intent and purpose of H.R. No. 676 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1161 Health and Education on H.R. No. 695

The purpose of this resolution is to request the Departments of Health and Education to examine the programs being provided to exceptional children in the State to determine their appropriateness and responsibilities of the departments for these programs.

The Department of Health and the Department of Education presently provide services for the care and education of handicapped children. These children, because of physical or mental conditions, require special instructions, facilities and/or services. There is a question as to whether the needs of handicapped children have been effectively met because of divided responsibilities with respect to education, training and rehabilitation. The Committee feels that a clear delineation of responsibilities is necessary if these needs are to be met and also that perhaps a single agency should be charged with the responsibility of the care of the handicapped person.

The word "handicapped" more clearly designates the group to which the study addresses itself to. The provision of services to the handicapped by the Departments generally terminates when the individual reaches the age of twenty. Your Committee desires the provision of services for the handicapped child to continue into the adult years.

The Committees have therefore amended the resolution by substituting the word "handicapped" for "exceptional". The study has also been expanded to include handicapped adults.

Your Committees have further amended the resolution to include the Commission on the Handicapped, the Department of Social Services and Housing, and the State Planning and Advisory Council on Developmental Disabilities in the study. These additional agencies also have program responsibilities with respect to the handicapped children and adults. The State Planning and Advisory Council on Developmental Disabilities shall be the lead agency in conducting the study and providing the report and recommendations. Your Committees have reworded the title to accommodate and cover the amendment.

Your Committees on Health and Education concur with the intent and purpose of H.R. No. 695, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 695, H.D. 1.

Signed by all members of the Committees.

SCRep. 1162 Health; and Youth and Elderly Affairs on H.R. No. 749

The purpose of this Resolution is to request the Department of Health to determine the need for mental health inpatient care facilities for persons under the age of seventeen and to report its findings and recommendations to the Legislature before the next Regular Session.

The Department of Health and representatives of private psychiatric service facilities, in response to a legislative request, reviewed the referral system for mental health patients to determine the adequacy of space provided for patients requiring immediate attention. One finding of the review was that there was a shortage of inpatient mental health care facilities for persons under the age of seventeen. The review recommended that the level of need for facilities for these persons be determined and action be taken to correct deficiencies. This Resolution is the initial step to accomplish the recommendation.

Your Committees on Health, and Youth and Elderly Affairs concur with the intent and purpose of H.R. No. 749 and recommend that it be referred to the Committee on

Finance.

Signed by all members of the Committees.

SCRep. 1163

Higher Education on H.R. No. 418

The purpose of this resolution is to request that the University of Hawaii establish athletic programs throughout the Community College System and to report its progress to the Legislature at least 20 days prior to the 1980 Session.

At a public hearing held on March 28, 1979, your Committee heard testimony from individual students of Leeward and Windward Community Colleges in support of the resolution. In the discussion which followed, your Committee learned that for fiscal years 1975 through 1979 each student government of the seven Community Colleges assumed the funding of its team's participation in intercampus athletics as part of its overall student activities program.

According to the Chancellor for Community Colleges, \$50,000 was appropriated to the Community Colleges and the University of Hawaii at Hilo (Act 218, Session Laws of Hawaii 1974) for a statewide intercampus athletic program for the 1974-1975 academic year. In the Spring of 1976, the Board of Regents, through its Stadium Endowment Fund earnings, allocated \$25,000 to underwrite three spring semester athletic events for students at seven Community Colleges.

In the absence of State funds, the Community Colleges' intercampus athletic programs have been financially assisted by each student government through revenues generated from student activity fees and through special fund-raising projects. For campuses with smaller enrollments, however, the revenues from student activity fees may not be adequate.

Your Committee has amended the resolution to reflect its support for athletics as being an integral part of the educational experiences of students. Cognizant of the State's budgetary constraints, your Committee urges continued support for intercampus athletics from all sectors of the University community including students, faculty, and the administration, as reflected in oral testimony by a representative of the Associated Students of Leeward Community College.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 418, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 418, H.D. 1.

Signed by all members of the Committee.

SCRep. 1164

Corrections and Rehabilitation on H.R. No. 130

The purpose of this resolution is to request the appropriate House Standing Committees to review the plans for expansion and budgetary requests submitted by the Department of Social Services and Housing with respect to adult correctional facilities.

Your Committee finds that, because of an unanticipated rise in offender population, overcrowded conditions exist in all of our correctional facilities, creating a need for double bunking. Additional construction to increase bedspace and program facilities seem to be the only solution, unless diversionary practices can be established throughout the criminal justice system. Because of the overcrowding and staffing problems, the correctional facilities have failed to meet minimum standards required by the Hawaii Criminal Justice Standards and Goals and accreditation standards recommended by the American Correctional Association. Your Committee finds that a review of the need for expansion of adult correctional facilities is a matter of great urgency. Furthermore, the need for any changes in the 1973 Correctional Master Plan should also be considered.

Your Committee has amended this resolution by requesting the House Committee on Corrections and Rehabilitation to conduct an interim study to review the need for expansion of adult correctional facilities in Hawaii and to report its findings and recommendations to the House of Representatives prior to the convening of the Regular Session of 1980.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.R. No. 130, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 130, H.D. 1.

Signed by all members of the Committee.

SCRep. 1165 Ecology and Environmental Protection; and Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 161

The purpose of this concurrent resolution is to request the Legislative Reference Bureau, in consultation with the Marine Affairs Coordinator, the Department of Land and Natural Resources, the Coordinator of the Marine Advisory Program, and other appropriate agencies, to conduct a study on shoreline safety.

Hawaii's high rate of drowning deaths and shoreline-related injuries make it apparent that improved safety measures are vital to both citizens and visitors. Your Committees feel that there is an urgent need to evaluate water safety efforts, especially lifeguard services. Jurisdictional responsibilities should be clearly established.

Your Committees on Ecology and Environmental Protection and Water, Land Use Development and Hawaiian Homes concur with the intent and purpose of H. C. R. No. 161 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 1166 Ecology and Environmental Protection; Water, Land Use, Development and Hawaiian Affairs; and Energy on H.R. No. 622

The purpose of this resolution is to request Hawaiian Electric Company to postpone its 1981 deadline on construction of high voltage transmission lines through Palolo Valley.

According to testimony from the Hawaiian Electric Company, the electrical load service capability for the East Honolulu area will be inadequate during peak use hours by 1981; thus, to carry out the responsibility of the company to provide service, the construction of a new substation and two high voltage transmission lines will be necessary. Even if alternate energy sources proved feasible, thus alleviating concern about the unreliable supply of petroleum to generate electricity, there would still be a need for transmission lines to convey the energy.

Representatives of the Palolo Neighborhood Board and Community Council, the Kapahulu Community Association, Castle and Cook Foods, and Dr. William Boyer of the University of Hawaii testified, some feeling that the construction is unnecessary and undesirable in view of alternate energy developments, controlled growth planning, and energy conservation measures, and others that location of the transmission lines should be reconsidered.

Your Committee felt that the title of the resolution should be amended to delete reference to Palolo Valley, since other routes are still under consideration. Also, your Committee decided to direct the resolution to the Public Utilities Commission and the Board of Land and Natural Resources for consideration in their public hearings on the construction instead of requesting the Hawaiian Electric Company to postpone their deadline.

The amended resolution requests that consideration be given in the public hearings to: first, whether there is a real need for construction of the new substation and transmission lines and, second, where the lines should be placed so as to cause the least possible impact on the affected communities.

Your Committees on Ecology and Environmental Protection; Water, Land Use Development and Hawaiian Affairs; and Energy concur with the intent and purpose of H.R. No. 622 as amended herein, and recommend that it be referred to the Committee on Consumer Protection and Commerce, in the form attached hereto as H.R. No. 622, H.D. 1.

Signed by all members of the Committees.

SCRep. 1167 Ecology and Environmental Protection; Water, Land Use, Development and Hawaiian Affairs; and Energy on H.C.R. No. 155

The purpose of this resolution is to request Hawaiian Electric Company to postpone its 1981 deadline on construction of high voltage transmission lines through Palolo Valley.

According to testimony from the Hawaiian Electric Company, the electrical load service

capability for the East Honolulu area will be inadequate during peak use hours by 1981; thus, to carry out the responsibility of the company to provide service, the construction of a new substation and two high voltage transmission lines will be necessary. Even if alternate energy sources proved feasible, thus alleviating concern about the unreliable supply of petroleum to generate electricity, there would still be a need for transmission lines to convey the energy.

Representatives of the Palolo Neighborhood Board and Community Council, the Kapahulu Community Association, Castle and Cook Foods, and Dr. William Boyer of the University of Hawaii testified, some feeling that the construction is unnecessary and undesirable in view of alternate energy developments, controlled growth planning, and energy conservation measures, and others that location of the transmission lines should be reconsidered.

Your Committee felt that the title of the resolution should be amended to delete reference to Palolo Valley, since other routes are still under consideration. Also, your Committee decided to direct the resolution to the Public Utilities Commission and the Board of Land and Natural Resources for consideration in their public hearings on the construction instead of requesting the Hawaiian Electric Company to postpone their deadline.

The amended resolution requests that consideration be given in the public hearings to: first, whether there is a real need for construction of the new substation and transmission lines and, second, where the lines should be placed so as to cause the least possible impact on the affected communities.

Your Committees on Ecology and Environmental Protection; Water, Land Use, Development and Hawaiian Affairs; and Energy concur with the intent and purpose of H.C.R. No. 155 as amended herein, and recommend that it be referred to the Committee on Consumer Protection and Commerce, in the form attached hereto as H.C.R. No. 155, H.D. 1.

Signed by all members of the Committees.

SCRep. 1168

Legislative Management

Informing the House that House Resolution Nos. 783 to 789, Standing Committee Report Nos. 1169 to 1187, and Conference Committee Report Nos. 20 to 79, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1169

Higher Education on H.R. No. 750

The purpose of this resolution is to urge the creation of a public or private, non-profit, locally-based student loan guarantee agency.

The federal Higher Education Act of 1965, as amended, encourages the creation of student loan guarantee agencies to supplant existing federally-insured student loan programs. Evidence to support this indicates that locally-based, public or private, non-profit agencies would be more efficiently operated.

Based on the information presented at a public hearing on April 16, 1979, your Committee finds that the creation of such an agency merits legislative support.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 750 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1170

Higher Education on H.C.R. No. 177

The purpose of this concurrent resolution is to urge the creation of a public or private, non-profit, locally-based student loan guarantee agency.

The federal Higher Education Act of 1965, as amended, encourages the creation of student loan guarantee agencies to supplant existing federally-insured student loan programs. Evidence to support this indicates that locally-based, public or private, non-profit agencies would be more efficiently operated.

Based on the information presented at a public hearing on April 16, 1979, your Committee finds that the creation of such an agency merits legislative support.

Your Committee on Higher Education concurs with the intent and purpose of H.C.R. No. 177 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1171 Higher Education on H.R. No. 488

The purpose of this resolution is to request the University of Hawaii to conduct a study on the feasibility of separating the School of Travel Industry Management (TIM) from the College of Business Administration (CBA).

Tourism is the State's largest industry and, as such, has the greatest employment potential in the foreseeable future. In order to effectively realize this potential, steps were taken to identify specific employment requirements of the industry and to plan and develop related educational and training programs.

TIM originated as the Department of Hotel Management and Tourism in 1961 under a mandate from the Governor to the Board of Regents (BOR) of the University of Hawaii. In 1967, approval was given for conversion into the School of Travel Industry Management as a component of the College of Business Administration. Accreditation was granted by the American Assembly of Collegiate Schools of Business in 1967.

In 1975, the Governor's Economic Advisory Task Force conducted an in-depth study of Hawaii's economic base and found that travel industry management was one of two areas of education and training requiring additional attention and support. Consequently, the Eighth Legislature adopted House Resolution 278 in 1976 directing the BOR and the UH administration to "examine and adjust their present support of the TIM program and to report on steps taken toward increasing support of TIM".

The result of House Resolution 278-76 was a report submitted to the Ninth Legislature in 1977 which found that, while TIM "made significant strides in achieving its objectives and fulfilling its mission in developing management resources for the visitor industry", budgetary and administrative ambiguities and related programmatic limitations had served to hinder both the program and legislative efforts in attaining the highest level of excellence possible.

While some of the problems raised in the 1977 report have since been resolved, those areas related to TIM's relationship as a component within CBA remained unsettled. For example, the report finds that the instructional program should be "both academic and practical" to assure that the training provided be broad enough to permit entry at any level within and without the visitor industry. However, to ensure its academic integrity under the accreditation umbrella of the College of Business Administration, TIM has been forced to maintain specified teaching and course requirements in its hiring and program standards which may have resulted in an imbalance between the academic and the practical.

In an attempt to redress this potential imbalance, your Committee believes that a study of existing visitor industry-related programs within the University system will be necessary.

Your Committee has amended the resolution by expanding on the focus of the study to consider the following:

1. an articulation of visitor industry-related courses at the community colleges;
2. the coordination of all such courses and programs by the School of Travel Industry Management; and
3. the separation of TIM from the College of Business Administration.

Your Committee believes that, as a program of selected excellence with high employment potential, greater administrative and budgetary accountability and a clarification of existing ambiguities is in order at this time.

Your Committee on Higher Education concurs with the intent and purpose of H.R. 488, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 488, H.D. 1.

Signed by all members of the Committee except Representative Marumoto.

SCRep. 1172 Higher Education; and Ocean and Marine Resources on H.R. No. 726

The purpose of this resolution is to request the University of Hawaii to formulate a proposed plan for the organization of marine programs.

In recognition of Hawaii's unique marine potential, the University has identified marine programs as an area of selected excellence designated to receive particular emphasis and support.

Although your Committees view the establishment of the Dean of Marine Programs position as an important and significant first step, a consolidated marine program incorporating research and instruction is lacking.

Based on the information presented at a public hearing on April 16, 1979, your Committees find that the need for a plan is warranted at this time.

Your Committees on Higher Education and Ocean and Marine Resources concur with the intent and purpose of H.R. 726 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Fukunaga and Garcia.

SCRep. 1173 Health; and Public Employment and Government Operations on H.R. No. 741

The purpose of this resolution is to request the State Department of Personnel Services to review and adjust the classification and salary levels of medical technologists to make them comparable with the private sector.

The starting salary of a State employed medical technologist who holds a baccalaureate degree is \$1862 per month. A comparable position in a private institution may pay as much as three hundred dollars more per month. Some State hospitals have experienced problems in recruiting qualified medical technologists. Such positions which remain vacant seriously affect the operations of the institution as well as the working conditions for employees. The inability to fill these positions may be due, in large part, to the disparate entry salary scales of the State and private sector.

The Department of Health testified in favor of extending the review to include other professional and paraprofessional personnel in the health field. Your Committees are in agreement with such an extension of the study.

Your Committees find that a review of classification and salary levels may aid in the resolution of State recruitment problems.

The title of the resolution and the BE IT RESOLVED clause have been amended to reflect the extension of the study.

Your Committees on Health and Public Employment and Government Operations concur with the intent and purpose of H.R. No. 741, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 741, H.D. 1.

Signed by all members of the Committees.

SCRep. 1174 Employment Opportunities and Labor Relations and Health on H.R. No. 46

The purpose of this resolution is to request that the appropriate House Committees review the problems caused by asbestos and the programs of the Division of Occupational Safety and Health to correct any asbestos hazards and report their findings and recommendations to the Legislature prior to adjournment.

Asbestos, a serious threat to health when it enters the human respiratory system, has been widely used as insulating material.

The Department of Labor and Industrial Relations, Division of Occupational Safety and Health, has a broad mandate to insure health standards of employees in both the public and private sectors.

Your Committees amended the resolution to have the Department of Labor and Industrial Relations review the problems caused by asbestos with the objective of correcting any asbestos hazards and to report their progress and recommendations prior to the convening of the Regular Session of 1980, and to provide that a certified copy of the resolution be transmitted to the Director of the Department of Labor and Industrial Relations.

Your Committees on Employment Opportunities and Labor Relations and Health are in accord with the intent and purpose of H.R. No. 46, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 46, H.D. 1.

Signed by all members of the Committees.

SCRep. 1175 Employment Opportunities and Labor Relations on H.C.R. No. 171

The purpose of this concurrent resolution is to urge systematic enforcement of that portion of the Occupational Safety and Health standards which requires employers to conduct safety instruction programs and directs the Department of Labor and Industrial Relations to assist eligible organizations and institutions in obtaining grants for developing occupational safety and health training programs. The concurrent resolution directs that a progress report regarding enforcement effectiveness be submitted to the legislature prior to the 1980 legislative session.

The effectiveness of the employer's efforts to instruct employees regarding recognized hazards and to establish and maintain a safety and health program tailored to meet the needs of his establishment are items evaluated on all enforcement inspections. Citations are issued when deficiencies are detected.

The Department of Labor and Industrial Relations testified that they would be "pleased to assist in any manner that will further enhance efforts to improve workplace safety and health in Hawaii".

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.C.R. No. 171, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1176 Energy and Housing on H.R. No. 559

The purpose of this resolution is to request the Speaker of the State House of Representatives to appoint an interim committee consisting of members of the House Committees on Energy and Housing to study the feasibility of mandatory installation of solar energy devices instead of conventional water heating systems in public housing constructed by the State or its political subdivisions.

Testimony by the City Department of Housing and Community Development, the State Department of Planning and Economic Development and the Hawaii Housing Authority supported the use of solar devices wherever economically feasible. However, your Committees agree with questions raised by these agencies regarding the need for criteria to determine the types of solar devices to be used in this manner and the types of housing which are considered to be "public housing."

Your Committees believe that guidelines for the development of such criteria should be addressed by a legislative interim committee, and that such a study should also address specific concerns which were raised by the parties testifying on this measure. Your Committees have therefore amended the resolution by adding a new "Be It Further Resolved" clause which incorporates these concerns. Your Committee has further amended the resolution to provide that solar energy devices be supplemented by conventional water heating systems rather than be the only water heating source in government

assisted housing.

Your Committees believe that the term "government assisted housing" is a broader term than "public housing," and have amended the title and the "Be It Resolved" accordingly.

Your Committee on Energy and your Committee on Housing concur with the intent and purpose of H.R. No. 559, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 559, H.D. 1.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1177 Energy on H.R. No. 731

The purpose of this resolution is to request the Public Utilities Commission to direct the public utilities to acquire electricity generated from non-fossil fuel electricity producers.

Your Committee finds that the encouragement of alternative renewable fuel sources such as bagasse would promote an important reduction of State dependence upon imported petroleum products and other rapidly depleting fossil fuel sources. Consequently, this would reduce the State's vulnerability to economic dislocation and public inconvenience resulting from sudden or long-term unavailability of fossil fuels by shipping industry strikes, a foreign oil embargo, or exhaustion of fossil fuel supplies.

Accordingly, this resolution addresses the Committee's concern that non-fossil fuel generated electricity, produced and made available by the sugar plantations, is being fully utilized by the public utilities.

Your Committee on Energy to which was referred H.R. No. 731 concurs with the intent and purpose of H.R. No. 731 and recommends that it be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1178 Energy on H.C.R. No. 175

The purpose of this concurrent resolution is to request the Public Utilities Commission to direct the public utilities to acquire electricity generated from non-fossil fuel electricity producers.

Your Committee finds that the encouragement of alternative renewable fuel sources such as bagasse would promote an important reduction of State dependence upon imported petroleum products and other rapidly depleting fossil fuel sources. Consequently, this would reduce the State's vulnerability to economic dislocation and public inconvenience resulting from sudden or long-term unavailability of fossil fuels by shipping industry strikes, a foreign oil embargo, or exhaustion of fossil fuel supplies.

Accordingly, this resolution addresses the Committee's concern that non-fossil fuel generated electricity, produced and made available by the sugar plantations, is being fully utilized by the public utilities.

Your Committee on Energy to which was referred H.C.R. No. 175 concurs with the intent and purpose of H.C.R. No. 175 and recommends that it be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1179 Education on H.R. No. 240

The purpose of this resolution is to request the Legislative Auditor to conduct a comprehensive examination of the organizational, management, fiscal and budgetary aspects of the interscholastic athletic program of the Department of Education (DOE).

The DOE interscholastic athletic program serves as an integral part of the DOE's efforts in fulfilling the basic curriculum and instructional objectives established in the DOE Foundation Program. Public schools that participate in interscholastic athletics

belong to a school athletic league that is established by geographical area and each league is a member of the Hawaii High School Athletic Association (HHSAA), a statewide high school athletic league composed of public and private schools. Rules and guidelines governing athletics for each participant school is determined by HHSAA and the participant school's respective league, and financing for each school's program is determined by the amount of funds received from state, league, and private funds.

In reviewing the performance of the DOE interscholastic athletic program, your Committee finds that the department has not resolved various organizational, operational and management inadequacies that were cited in several documents on school athletics including the 1970 DOE Task Force on Interscholastic Athletics' report entitled An Interscholastic Athletic Plan for the Seventies, the 1970 Legislative Auditor's report entitled A Study of the Compensation of Coaches of Interscholastic Athletics of the State Department of Education and a 1978 DOE special analytical study on school athletics.

Your Committee recognizes that the DOE has initiated efforts to increase student athletic participation, improve its controls over the acquisition and use of school athletic funds and provide for more equitable and efficient use of resources. However, your Committee is also aware that the department has not been able to fully resolve all concerns and inadequacies cited in the three aforementioned reports, especially in the following areas:

- (1) Absence of a statewide, integrated interscholastic athletic league and program directly administered by the DOE. Your Committee finds that while all three reports cite the need for greater and direct DOE control over interscholastic athletics through a DOE administered statewide league, the athletic program is currently administered independently by each school that must abide by HHSAA and its respective league rules and guidelines.
- (2) Inequities in the types and level of athletic activities and resources for each school. Your Committee finds that while the 1970 DOE Task Force on Interscholastic Athletics recommended that every public high school's athletic program provide a sufficient number of activities and adequate facilities that can meet the various athletic needs of its students, inequities in the type and number of athletic activities and facilities still exist among public high schools.
- (3) Unequal compensation for athletic coaches. The 1970 Legislative Auditor's report cited the need for a coaches' compensation plan that would assure equal compensation for high school coaches. Your Committee finds that the DOE has not developed a plan to assure equal compensation for coaches and as a result, not all coaches receive the maximum compensation authorized by the DOE.
- (4) Absence of an athletic program promoting interscholastic athletics at the intermediate school level. Your Committee finds that the DOE Task Force recommended the full implementation of extramural competition among intermediate and elementary school levels to promote school spirit and student sportsmanship, however, the department has not fully complied with the Task Force's recommendation in this area.

Your Committee believes that since the DOE has not taken action to fully remedy the aforementioned major inadequacies in the interscholastic athletic program, a comprehensive review of the athletic program by the Legislative Auditor is necessary to determine how effective and efficiently this program is being operated and administered.

Your Committee has amended the resolution to emphasize the findings of the 1970 Task Force on Interscholastic Athletics and also to highlight various school athletic program concerns presented by athletic directors, principals, and educational specialists at a 1979 House Education Committee public hearing.

Your Committee has also amended the resolution to expand the Legislative Auditor's scope of work by including the following: (1) determine the feasibility of establishing a state-funded state athletic office and a DOE administered statewide interscholastic athletic league to provide better DOE management, control and coordination of high school interscholastic athletics; (2) review the need for state policies and guidelines governing statewide and interstate high school athletic competition; and (3) examine the role that nonpublic high schools would hold or be offered to hold in a DOE administered statewide interscholastic athletic program.

Your Committee has further amended the resolution to specify that the Legislative Auditor submit his findings and recommendations to the State Legislature prior to the convening of the 1980 regular session.

Your Committee on Education concurs with the intent and purpose of H.R. No. 240,

as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 240, H.D. 1.

Signed by all members of the Committee.

SCRep. 1180

Education on H.C.R. No. 26

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a comprehensive examination of the organizational, management, fiscal and budgetary aspects of the interscholastic athletic program of the Department of Education (DOE).

The DOE interscholastic athletic program serves as an integral part of the DOE's efforts in fulfilling the basic curriculum and instructional objectives established in the DOE Foundation Program. Public schools that participate in interscholastic athletics belong to a school athletic league that is established by geographical area and each league is a member of the Hawaii High School Athletic Association (HHSAA), a statewide high school athletic league composed of public and private schools. Rules and guidelines governing athletics for each participant school is determined by HHSAA and the participant school's respective league, and financing for each school's program is determined by the amount of funds received from state, league, and private funds.

In reviewing the performance of the DOE interscholastic athletic program, your Committee finds that the department has not resolved various organizational, operational and management inadequacies that were cited in several documents on school athletics including the 1970 DOE Task Force on Interscholastic Athletics' report entitled An Interscholastic Athletic Plan for the Seventies, the 1970 Legislative Auditor's report entitled A Study of the Compensation of Coaches of Interscholastic Athletics of the State Department of Education and a 1978 DOE special analytical study on school athletics.

Your Committee recognizes that the DOE has initiated efforts to increase student athletic participation, improve its controls over the acquisition and use of school athletic funds and provide for more equitable and efficient use of resources. However, your Committee is also aware that the department has not been able to fully resolve all concerns and inadequacies cited in the three aforementioned reports, especially in the following areas:

- (1) Absence of a statewide, integrated interscholastic athletic league and program directly administered by the DOE. Your Committee finds that while all three reports cite the need for greater and direct DOE control over interscholastic athletics through a DOE administered statewide league, the athletic program is currently administered independently by each school that must abide by HHSAA and its respective league rules and guidelines.
- (2) Inequities in the types and level of athletic activities and resources for each school. Your Committee finds that while the 1970 DOE Task Force on Interscholastic Athletics recommended that every public high school's athletic program provide a sufficient number of activities and adequate facilities that can meet the various athletic needs of its students, inequities in the type and number of athletic activities and facilities still exist among public high schools.
- (3) Unequal compensation for athletic coaches. The 1970 Legislative Auditor's report cited the need for a coaches' compensation plan that would assure equal compensation for high school coaches. Your Committee finds that the DOE has not developed a plan to assure equal compensation for coaches and as a result, not all coaches receive the maximum compensation authorized by the DOE.
- (4) Absence of an athletic program promoting interscholastic athletics at the intermediate school level. Your Committee finds that the DOE Task Force recommended the full implementation of extramural competition among intermediate and elementary school levels to promote school spirit and student sportsmanship, however, the department has not fully complied with the Task Force's recommendation in this area.

Your Committee believes that since the DOE has not taken action to fully remedy the aforementioned major inadequacies in the interscholastic athletic program, a comprehensive review of the athletic program by the Legislative Auditor is necessary to determine how effective and efficiently this program is being operated and administered.

Your Committee has amended the concurrent resolution to emphasize the findings of the 1970 Task Force on Interscholastic Athletics and also to highlight various school

athletic program concerns presented by athletic directors, principals, and educational specialists at a 1979 House Education Committee public hearing.

Your Committee has also amended the concurrent resolution to expand the Legislative Auditor's scope of work by including the following: (1) determine the feasibility of establishing a state-funded state athletic office and a DOE administered statewide interscholastic athletic league to provide better DOE management, control and coordination of high school interscholastic athletics; (2) review the need for state policies and guidelines governing statewide and interstate high school athletic competition; and (3) examine the role that nonpublic high schools would hold or be offered to hold in a DOE administered statewide interscholastic athletic program.

Your Committee has further amended the concurrent resolution to specify that the Legislative Auditor submit his findings and recommendations to the State Legislature prior to the convening of the 1980 regular session.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 26, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 26, H.D. 1.

Signed by all members of the Committee.

SCRep. 1181

Consumer Protection and Commerce on H.R. No. 710

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study on the feasibility of the use of drugs in optometric practices.

After hearing varied testimony from the Hawaii Optometric Association, the Board of Examiners in Optometry, the State Department of Health, the Hawaii Medical Association and others, your Committee feels that the issue of drug use by optometrists is indeed a very complex and difficult one to resolve. It is, therefore, your Committee's recommendation that the matter be brought under more extensive study and evaluation and that input be solicited from experts within the medical community.

The Committee has amended the resolution to specify that the report be submitted prior to the convening of the Regular Session of 1980. In addition, the Board of Pharmacy, the Hawaii Optometric Association and the Hawaii Pharmaceutical Association have been included among the organizations requested to provide pertinent information to the Legislative Reference Bureau in this study.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 710, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 710, H.D. 1.

Signed by all members of the Committee.

SCRep. 1182

Education on H.R. No. 716

The purpose of this resolution is to have an interim committee review the State's library programs, and to have the interim committee include in its review an examination of the Department of Education's efforts in resolving the organizational, managerial, and operational problems cited in a 1977 Legislative Auditors report on Department of Education library services and a 1978 Department of Education study on public library services.

Your Committee finds that both public and school libraries are essential in meeting various academic, social, and recreational needs of the community. However, according to a 1977 Legislative Auditor's study and a 1978 Department of Education study on Hawaii's library system, various problems exist in library services. Therefore, your Committee believes that the problems existing in library services should be corrected as soon as possible, and that it is appropriate that an interim committee conduct a thorough study of the State's library programs and operations.

The Department of Education testified in support of the intent of the resolution, and indicated that they will assist the interim committee in its review of the State's library programs and operations.

Your Committee on Education concurs with the intent and purpose of H.R. No. 716

and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives
Machida, Stanley, Toguchi, Ushijima and Anderson.

SCRep. 1183

Education on H.R. No. 727

The purpose of this resolution is to request the Department of Education to review its basis for the definition of the target group in Hawaii's bilingual education program and to reassess the needs of the Creole-speaking students with limited English-speaking ability and their eligibility for inclusion in the program.

Under Public Law 89-10, federal funding is provided for bilingual education programs to help students with limited English-speaking ability. Your Committee finds that Hawaii's target group for bilingual education programs, as defined by the Department of Education, include students whose first language is Ilocano, Tagalog, Korean, etc., but does not include students whose first language is Hawaiian Creole, which is commonly referred to as pidgeon English or Hawaiian pidgeon. Your Committee believes that many students whose first language is Hawaiian Creole have limited English-speaking ability and are at a disadvantage in English-speaking classrooms, similar to those students whose first language is Ilocano, Tagalog, Korean, etc., and therefore should be included in the Department of Education bilingual education program and be provided with the appropriate educational programs and materials.

The Department of Education testified against the resolution. However, they indicated that they concur with the concern regarding Creole-speaking students of limited English-speaking ability, and that they recognize the need to address the special needs of such students.

The Hawaii State Teachers Association, the Hawaii Multicultural Awareness Pilot Project, the Chairman of the Department of English as a Second Language at the University of Hawaii, and a school teacher testified in support of the resolution.

Your Committee on Education concurs with the intent and purpose of H.R. No. 727 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives
Machida, Stanley, Toguchi and Anderson.

SCRep. 1184

Education on H.R. No. 673

The purpose of this resolution is to request the Department of Education to extend its support of public high school vocational education curriculum by providing financial assistance to the Hawaii Distributive Education Clubs of America (DECA) representatives who will compete in the national DECA conference.

The Hawaii DECA is a cooperative community and school effort which provides students with academic instruction as well as work experience. Your Committee finds that while DECA is a valuable vocational education program for many students, a problem arises annually as there is insufficient funds to accommodate Hawaii's DECA representatives to participate in a national competition. Therefore, your Committee believes that in order for Hawaii students to gain the benefits from participating in a national competition, financial assistance should be provided to these student.

The Department of Education testified in support of the resolution, and indicated that they will explore all available resources in an attempt to assist the DECA program.

Students participating in the DECA program also testified in support of the resolution, and reported on the valuable experiences gained through their participation in the program.

Your Committee on Education concurs with the intent and purpose of H.R. No. 673 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives
Machida, Stanley and Anderson.

SCRep. 1185

Education on H.R. No. 745

The purpose of this resolution is to request the House Committee on Education to review the Department of Education's current and proposed educational programs for gifted and talented students, and the teaching and resource staff needed to ensure that such students are provided with appropriate educational opportunities.

Your Committee finds that gifted and talented students should be provided with a flexible educational system such that they can achieve at their potential, and that a variety of educational options for such students have been recommended by the Department of Education. Your Committee believes that it is appropriate that a thorough study of these educational options and plans be conducted.

The Department of Education testified in support of the intent of the resolution, and indicated that they will assist the House Education Committee in its review of the gifted and talented program.

Your Committee on Education concurs with the intent and purpose of H.R. No. 745 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives
Machida, Stanley, Toguchi and Anderson.

SCRep. 1186

Education and Transportation on H.R. No. 715

The purpose of this resolution is to have an interim committee review the state student transportation service program, and to have the interim committee include in its review an examination of the state administration's efforts in resolving the numerous operational, organizational, and management problems cited in a 1978 Legislative Auditor's report on student transportation services.

Your Committees find that the student transportation program is directly related to student welfare and safety, and to the finances of the State. However, according to a 1978 Legislative Auditor's report, many shortcomings exist in the student transportation program. Therefore, your Committees believe that the shortcomings in the student transportation program should be corrected as soon as possible, and that it is appropriate that an interim committee conduct a thorough study of the student transportation program.

In its testimony before your Committees, the Department of Education indicated that they will cooperate with the interim committee in its review of the student transportation program.

Your Committees have amended the resolution by substituting the word "problems" for the word "programs" in referring to the findings cited in the 1978 Legislative Auditor's report on student transportation services.

Your Committee on Education and your Committee on Transportation concur with the intent and purpose of H.R. No. 715, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 715, H.D. 1.

Signed by all members of the Committees except Representatives
Machida, Stanley, Takamine, Toguchi and Anderson.

SCRep. 1187

Culture and the Arts and Education on H.R. No. 693

The purpose of this resolution is to request the Department of Education and the appropriate county agencies such as the Hawaii County Office of Manpower Resources to support and fund the Language Arts Multi-Cultural Program of the Hawaii County Economic Opportunity Council.

The Language Arts Multi-Cultural Program (LAMP), which was established three years ago by the Hawaii County Economic Opportunity Council, is designed to meet the needs of students whose primary language is not English, through basic skills tutoring, developing language capabilities, and involving parents in formal educational activities. Your Committees find that while LAMP has been an effective program thus far, recent changes in the federal Health, Education, and Welfare funding criteria have made LAMP ineligible for the funding necessary in retaining the program's existence

during fiscal year 1979-80. Therefore, your Committees believe that public officials in the state and county level should take appropriate actions such that LAMP can continue to operate with sufficient funds.

Your Committee on Culture and the Arts and your Committee on Education concur with the intent and purpose of H.R. No. 693 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Kawakami, Machida, Stanley, Takamine, Toguchi and Anderson.

SCRep. 1188 Ocean and Marine Resources on H.R. No. 713

The purpose of this Resolution is to request that necessary actions be taken by the Department of Land and Natural Resources to enhance the conservation of the freshwater goby, "O'opu Nakea" (*Chonophorus stamineus*).

Testimony before your Committee finds that since a survey conducted in 1953, by the Department of Land and Natural Resources, it is general knowledge that the population of the "O'opu Nakea" has decreased in these waters and that the Department of Land and Natural Resources recognizes the need for a reappraisal of the problems associated with the opu fishery.

Your Committee finds that current harvesting methods by nets and traps are so efficient that there exists the threat of possible extinction or decimation of the species. Your Committee feels that the harvesting of "O'opu Nakea" should be limited to recreational and sports purposes and only by pole and line.

Your Committee on Ocean and Marine Resources is in accord with the intent and purpose of H. R. No. 713 and recommends its adoption.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1189 Ocean and Marine Resources on H.C.R. No. 173

The purpose of this Concurrent Resolution is to request that necessary actions be taken by the Department of Land and Natural Resources to enhance the conservation of the freshwater goby, "O'opu Nakea" (*Chonophorus stamineus*).

Testimony before your Committee finds that since a survey conducted in 1953, by the Department of Land and Natural Resources, it is general knowledge that the population of the "O'opu Nakea" has decreased in these waters and that the Department of Land and Natural Resources recognizes the need for a reappraisal of the problems associated with the opu fishery.

Your Committee finds that current harvesting methods by nets and traps are so efficient that there exists the threat of possible extinction or decimation of the species. Your Committee feels that the harvesting of "O'opu Nakea" should be limited to recreational and sports purposes and only by pole and line.

Your Committee on Ocean and Marine Resources concurs with the intent and purposes of H.C.R. No. 173, and recommends its adoption.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1190 Legislative Management

Informing the House that House Resolution Nos. 790 to 799, House Concurrent Resolution No. 182, and Standing Committee Report Nos. 1188 and 1189, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1191 Transportation on H.R. No. 503

The purpose of this resolution is to request the implementation of the Blue Star Memorial

Highway program in Hawaii.

The Blue Star Memorial Highway program involves beautification of various roadside sites, as beautification efforts and as living memorials to persons who have served or who will serve in the nation's armed forces.

Your Committee has amended this resolution to require the Department of Transportation and the Hawaii Federation of Garden Club to submit a report on the proposed Blue Star Memorial Highway at least 20 days before the convening of the Regular Session of 1980. Your Committee further amends this resolution by eliminating the installation of plaques at the designated sites.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 503, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 503, H.D. 1.

Signed by all members of the Committee.

SCRep. 1192 Transportation on H.C.R. No. 124

The purpose of this resolution is to request the implementation of the Blue Star Memorial Highway program in Hawaii.

The Blue Star Memorial Highway program involves beautification of various roadside sites, as beautification efforts and as living memorials to persons who have served or who will serve in the nation's armed forces.

Your Committee has amended this concurrent resolution to require the Department of Transportation and the Hawaii Federation of Garden Club to submit a report on the proposed Blue Star Memorial Highway at least 20 days before the convening of the Regular Session of 1980. Your Committee further amends this concurrent resolution by eliminating the installation of plaques at the designated sites.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 124, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 124, H.D. 1.

Signed by all members of the Committee.

SCRep. 1193 Transportation on H.R. No. 712

The purpose of this resolution is to request the Legislative Reference Bureau to examine the present state air transportation security and law enforcement program of the Air Transportation Facilities Division, including the cost of implementing Senate Bill No. 1760 and to recommend improvements.

The Federal Aviation Administration amended Federal Aviation Regulation Part 107 to require states to prepare an air transportation security program as set forth by the Federal Aviation Act of 1958. This amended regulation would provide law enforcement officers with the authority to arrest individuals for violations of the criminal laws of the State and local jurisdiction in which the airport is located. Senate Bill No. 1760 was adopted during the Regular Session of 1979 to empower the Director of Transportation to deputize airport law enforcement officers with the powers to arrest as required by this regulation.

To assess the most efficient expenditure of state funds in providing increased airport security, the impact of Senate Bill No. 1760 on the responsibilities and cost of the existing air transportation facilities security and law enforcement program should be examined closely.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 712 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1194 Transportation on H.C.R. No. 172

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to examine the present state air transportation security and law enforcement program of the Air Transportation Facilities Division, including the cost of implementing Senate Bill No. 1760 and to recommend improvements.

The Federal Aviation Administration amended Federal Aviation Regulation Part 107 to require states to prepare an air transportation security program as set forth by the Federal Aviation Act of 1958. This amended regulation would provide law enforcement officers with the authority to arrest individuals for violations of the criminal laws of the State and local jurisdiction in which the airport is located. Senate Bill No. 1760 was adopted during the Regular Session of 1979 to empower the Director of Transportation to deputize airport law enforcement officers with the powers to arrest as required by this regulation.

To assess the most efficient expenditure of state funds in providing increased airport security, the impact of Senate Bill No. 1760 on the responsibilities and cost of the existing air transportation facilities security and law enforcement program should be examined closely.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 172 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1195 Water, Land Use, Development and Hawaiian Affairs; and
Transportation on H.R. No. 733

The purpose of this resolution is to request the Department of Planning and Economic Development, with the assistance of the Department of Transportation, to identify airlines and services which provide discount service from the Mainland to Hawaii and persuade these companies to provide similar service to people whose travel originates in Hawaii.

Currently, air services are offered between Hawaii and the Mainland at substantial discounts to persons whose travel originates in the Mainland. Identification of companies offering these discounts would be an important step in persuading such companies to extend similar services to persons whose travel originates in Hawaii.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Transportation concur with the intent and purpose of H.R. No. 733 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1196 Energy; and Water, Land Use, Development and Hawaiian
Affairs on H.R. No. 725

The purpose of this resolution is to request that the Department of Planning and Economic Development study the feasibility, costs, and benefits of integrating all state energy planning and programs under a single energy authority.

Currently, the state energy functions are handled by many different segments of government including: the Department of Planning and Economic Development, the Hawaii Natural Energy Institute, the Public Utilities Commission, the Department of Regulatory Agencies and the Department of Land and Natural Resources.

Your Committees feel that a study should be conducted to determine whether this fragmentation of functions is hindering the progress of our state in energy planning, conservation, and alternate energy research and development.

Your Committees on Energy and Water, Land Use Development and Hawaiian Affairs, concur with the intent and purpose of H.R. No. 725 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1197

Corrections and Rehabilitation on H.R. No. 128

The purpose of this resolution is to request the appropriate House Standing Committees to review a report prepared by Survey Marketing Services Incorporated (SMS) and Supplement No. 1 of the Juvenile Justice Plan prepared by the State Law Enforcement Planning Agency (SLEPA).

The multitude of problems faced by the Hawaii Youth Correctional Facility (HYCF) has led the DSSH to contract SMS to study and recommend specific programs and changes for the Facility, including recommendations relating to organizational structural, personnel and resource utilization, staff development, security, rehabilitation, group homes and juvenile parole. This report, entitled "An Assessment of The Hawaii Youth Correctional Facility" was submitted to the Legislature in April of 1979.

The Juvenile Justice Plan Supplement No. 1 is a report submitted to the Legislature by SLEPA in March of 1979 updating the Juvenile Justice Plan of 1974 by providing new data and making new recommendations to improve the juvenile justice system.

Many of the problems cited in these reports can be attributed to the absence of long range planning and the lack of coordination among the various components of the juvenile justice system.

Your Committee believes that an interim study should be undertaken to adequately address these problems and to review other findings and recommendations made in these reports.

Your Committee has amended this resolution by amending the title to request that an interim study be conducted to improve deficiencies at the Hawaii Youth Correctional Facility.

Your Committee has further amended this resolution by amending the "BE IT RESOLVED" clause to request the Speaker of the House of Representatives to appoint an interim committee in 1979 to review recommendations made in the SMS and the SLEPA reports and to request the committee to report its findings and recommendations to the House of Representatives prior to the convening of the Regular Session of 1980.

Your Committee has further amended this resolution by making certain technical, non-substantive changes to improve form and clarity.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.R. No. 128 as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 128, H.D. 1.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1198

State General Planning on S.C.R. No. 60

The purpose of this resolution is to support Hawaii's congressional delegation in its efforts to establish a Temporary Federal Intergovernmental Planning Commission for Hawaii.

As proposed in SJR 169 presently before the 95th Congress, the Temporary Federal Intergovernmental Planning Commission would be comprised of Federal, State and County officials whose purpose would be to set long-range policies regarding the use of federal lands and facilities.

Your Committee finds that such a commission would be a useful mechanism in providing vertical integration and coordination among the Federal, State and county levels of government in regard to state and federal land use and facilities planning. This mechanism could also be utilized to carry out the broad goals, objectives, and policies established under the Hawaii State Planning Act, Act 100, Session Laws of Hawaii 1978. At present, the coordination and direction provided by the Hawaii State Plan is limited to the State and county levels of government.

Testimony presented before your Committee favored the adoption of this resolution. Your Committee has amended this concurrent resolution to more adequately describe Hawaii's existing planning efforts. A description of Hawaii's activities and the envisioned role of the proposed Temporary Federal Intergovernmental Planning Commission is also included.

Your Committee on State General Planning concurs with the intent and purpose of S.C.R. No. 60, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. '60, H.D. 1.

Signed by all members of the Committee.

SCRep. 1199 Employment Opportunities and Labor Relations; and Public
Employment and Government Operations on S.C.R. No. 70

The purpose of this concurrent resolution is to request that Hawaii's Congressional delegation pursue through legislative means a method to increase the annual average wage rate for Hawaii under CETA's Public Service Program.

Although the high cost of living in Hawaii is nationally recognized, its effect on the \$6,635 average annual wage limitation for public service employment in Hawaii, unfortunately, has been ignored. This results in offering jobs with wages at levels which would be menial and routine. This would not seem to fulfill the purpose of providing training through temporary jobs to assist unemployed, disadvantaged persons to gain experience and skills to obtain full time unsubsidized work.

Your Committees find that the average annual wage figure of \$6,635, which is 8 per cent lower than the national average wage figure of \$7,200, was established by analyzing and indexing data from Hawaii's Unemployment Insurance (UI) rolls. This method penalized Hawaii, where the wider application of UI to include lower-paying jobs reduced the average wage rate in comparison with some other states. The inclusion of lower paid agricultural and domestic workers and earlier coverage effective from an employee's starting date adversely affected the bases for which the average annual wage rate was computed.

Your Committees amended the concurrent resolution by including information to clarify the existing statements. It was further amended by requesting that additional copies be sent to the Majority Leader of the United States Senate, Minority Leader of the United States Senate, Speaker of the United States House of Representatives, and Minority Leader of the United States House of Representatives.

Your Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations concur with the intent and purpose of S.C.R. No. 70, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 70, S.D. 1, H.D. 1.

Signed by all members of the Committees.

SCRep. 1200 Finance on S.C.R. No. 57

The purpose of this concurrent resolution is to request review of the compensation plans covering the secretarial classes within the civil service system.

Sections 77-4 and 77-5, Hawaii Revised Statutes, presently require the Conference of Personnel Directors to biennially review all public employee compensation plans and submit tentative recommendations to the Public Employee Compensation Appeals Board (PECAB), which in turn conducts hearings on pricing appeals and makes whatever adjustments are necessary. A report setting forth the final compensation plan and the cost thereof is then submitted to the Legislature for approval.

In 1975, the Department of Personnel Services established a five-level secretarial series (I to V), with salary ranges of SR 9 - 11 - 12 - 14 - 16. The conference supported this position because they believed that the scope, variety, and complexity of the work requirements within the class were sufficiently distinct to warrant five levels. However, PECAB disagreed and repriced Secretary I from SR 9 to SR 10 and Secretary II from SR 11 to SR 12 while maintaining a two-step differential between Secretary III, IV, and V.

Subsequently in 1977 PECAB changed its position and established a one-step differential between Level I through Level IV (SR 11 to SR 14) and a two-step differential between Levels IV and V (SR 14 to SR 16).

The State Secretaries Association and the Public Employees Management Association of Hawaii claim that these compensation plans have adversely affected the morale of all secretaries in government service in that virtually all other comparable classes

in the civil service presently enjoy a two-step differential between levels.

To correct this disparity, it is recommended that (1) the present five levels be reduced to four, (2) a standard two-step differential be established between all levels, and (3) that a two-step differential between the Secretary and the Private Secretary series be maintained.

Your Committee further finds that the 1978 Legislature had adopted S.C.R. No. 114 requesting the personnel directors of the State, the Judiciary, and the City and County of Honolulu to "review the compensation plans covering the secretarial classes of the civil service of the State of Hawaii, the Judiciary and the City and County of Honolulu" and to submit recommendations for the timely correction of possible inequities. The report has since been completed and the following recommendations were made: (1) that the Conference of Personnel Directors and the Public Employees Compensation Appeals Board make such review of the compensation plans covering the secretarial classes of the State of Hawaii, Judiciary, and City and County of Honolulu as part of the forthcoming biennial review prescribed by Sections 77-4 and 77-5, Hawaii Revised Statutes, and (2) that the report to the State Legislature setting forth the final compensation plan as required by Section 77-4(d) and Section 77-5(4) (B) include the results of the review of secretarial classes of the State of Hawaii, Judiciary, and City and County of Honolulu.

Your Committee agrees that the maintenance of a two SR differential between levels in the secretarial class is in keeping with the accepted standards of the overall State Compensation plans, and therefore inequity exists where a one SR differential is established for Secretarial levels I through IV, while virtually all other comparable classes in State and County government enjoy a two SR differential between levels. Any disparity in public employee compensation plans is a matter of serious concern to the Legislature, and thus your Committee intends that the joint review be conducted as expeditiously as possible so that immediate action may be taken to rectify the situation.

Your Committee on Finance concurs with the intent and purpose of S.C.R. No. 57, S.D.1, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1201 Public Employment and Government Operations on S.C.R.
No. 52

The purpose of this concurrent resolution is to request review of current governmental practices and procedures for (1) making known and accessible to public employees, information concerning their terms and conditions of employment; and (2) the timely compensation of employees.

Your Committee finds that it is in the interest of the State and county governments that their work force be informed of the terms and conditions of employment as set forth by State and federal laws and regulations, collective bargaining agreements, executive orders and departmental policies, guidelines, and directives to adequately prepare for the work environment.

Your Committee further finds that as a productive work force is essential to provide public services and is built on trust in the State and county governments as efficacious employers, employees are entitled to receipt of their compensation within a reasonable time.

Specifically discussed was the problem of lecturers employed by the University of Hawaii, who in some instances have had to wait anywhere from two to three months before receipt of their first paycheck. Your Committee has therefore amended S.C.R. No. 52 to address this concern by requesting the University of Hawaii to review and revise current practices and procedures for (1) making known and accessible to its employees, information concerning the terms and conditions of employment and (2) the timely compensation of its employees.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of S.C.R. No. 52 as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 52, H.D. 1.

Signed by all members of the Committee.

SCRep. 1202

Water, Land Use, Development and Hawaiian Affairs; and Ocean and Marine Resources on S.C.R. No. 27

The purpose of this concurrent resolution is to request the Governor of the State of Hawaii to take immediate action in initiating negotiations to arrange cooperative agreements with the Coast Guard Commandant of the Fourteenth District and the Secretary of the Interior for the return of Tern Island and its facilities to the State of Hawaii.

Your Committees heard testimony from the Marine Affairs Coordinator, the Department of Land and Natural Resources, and the Fish and Wildlife Service of the United States Department of the Interior concerning this concurrent resolution.

Your Committee learned that in July of 1979 the Coast Guard plans to terminate its activities at the French Frigate Shoals, in which Tern Island is included, and to withdraw from the facility at Tern Island. The Fish and Wildlife Service's current position is to continue support of the Tripartite Cooperative Agreement between the State and the Service so as to gather the fundamental scientific basis necessary to reasonably evaluate both the fishery resources available in the Leeward Islands and the probable impact on other wildlife populations if commercial activities are initiated at Tern Island or other areas in the Leeward Islands. It has commissioned a study to examine alternative uses of Tern Island. Upon completion of the study, the Fish and Wildlife Service plans to use the information from the study and Tripartite Research to work with the State in resolving the issue of Tern Island's future use.

Your Committees find that there are two issues surrounding the acquisition and return of Tern Island. The first is for the short term use of Tern Island as a research/fishing support station, and the second is a long term, jurisdictional question. For the short term, both the State and Federal governments must diligently plan for the development and management of the fisheries resources and for the protection and preservation of the unique wildlife species in the Northwestern Hawaiian Islands.

Your Committees have amended this concurrent resolution to correct a typographical error in the third "WHEREAS" clause, by changing the date in that clause from 1952 to 1942.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Ocean and Marine Resources concur with the intent and purpose of the S.C.R. No. 27, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 27, H.D. 1.

Signed by all members of the Committees.

SCRep. 1203

Health on H.C.R. No. 165

The purpose of this concurrent resolution is to request the Department of Health to assign its highest priority to the Honokaa Hospital Development Project in relation to all other CIP projects currently authorized for the Department of Health.

The existing Honokaa Hospital is a "non-conforming facility" under the federal Department of Health, Education, and Welfare (HEW) regulations and is threatened with decertification by the HEW including losses of federal Medicare and Medicaid funding totaling \$307,000 a year.

Your Committee has amended this concurrent resolution by having the State Health Planning and Development Agency included in the development of this project.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 165, as amended herein, and recommends that it be adopted, in the form attached hereto as H.C.R. No. 165, H.D. 1.

Signed by all members of the Committee.

SCRep. 1204

Health and Youth and Elderly Affairs on H.C.R. No. 168

The purpose of this Resolution is to request the Federal Government to allocate additional funds to the Crippled Children Services Branch of the Department of Health.

Your Committees find that because handicapped immigrant children often have received

inadequate treatment in their countries of origin, their increasing numbers here in Hawaii place a disproportionate drain on the Crippled Children Services Program.

Your Committees further find that current funds are not expected to last until the end of the fiscal year, a situation which will necessitate curtailment of services to Hawaiian-born as well as immigrant children.

Your Committees on Health and Youth and Elderly Affairs concur with the intent and purpose of H.C.R. No. 168 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1205 Public Employment and Government Operations; and Employment Opportunities and Labor Relations on H.C.R. No. 169

The purpose of this concurrent resolution is to request the Department of Personnel Services to expedite its recruitment practices to assure the hiring of personnel as soon as funds are made available.

Your Committees find that there is currently a high rate of unemployment in Hawaii which has adversely affected the state's economy in that an increasing number of citizens are applying for unemployment and public assistance benefits. Your Committees further find that the role of government in creating and stimulating employment is crucial since only it has the necessary resources and authority to effectively deal with the problem.

By implementing selected programs specifically designed to stimulate private industry and the public sector, government can provide more jobs throughout the community as well as reduce the number of workers seeking unemployment and welfare benefits. The Department of Personnel Services can facilitate this by improving its recruitment process so that vacancies can be filled immediately upon the receipt of appropriate monies.

H.C.R. No. 169 accordingly requests the Department of Personnel Services to expedite its recruitment procedures to assure the hiring of personnel as soon as funds are made available. The concurrent resolution further requests the Governor of the State of Hawaii and the State Director of Finance to immediately release funds which had been previously appropriated by the Legislature as well as other funds which may become available for programs designed to create more jobs throughout the community. In addition, the Department of Labor and Industrial Relations is requested to initiate alternative programs to alleviate unemployment.

The Department of Personnel Services and the Department of Labor and Industrial Relations testified in support of the measure, and indicated that as unemployment is costly both to society and to the individuals concerned, job opportunities in such areas as the garment and visitor industries, solar energy, aquaculture and commercial fishing should be examined more closely.

Your Committees on Public Employment and Government Operations and on Employment Opportunities and Labor Relations concur with the intent and purpose of H.C.R. No. 169 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1206 Higher Education and Agriculture on H.C.R. No. 162 (Majority)

The purpose of this concurrent resolution is to support continuation of the Kohala Feed and Forage Research Project of the College of Tropical Agriculture and Human Resources (CTAHR).

Since the inception of this project in 1973, new corn and alfalfa varieties have been successfully grown and used on Molokai, Kauai and Oahu, in part, as feed for Hawaii's dairy and livestock industry. As the cost of feed alone is estimated to represent between fifty and seventy-five percent of the total livestock production costs, the utilization of locally-grown and produced feed represents a tremendous cost savings to Hawaii's dairy and livestock industries.

Based on the information presented at a public hearing on April 16, 1979, your Committees find that the continuation of this research project is warranted.

Your Committees on Higher Education and Agriculture concur with the intent and purpose of H.C.R. No. 162 and recommend its adoption.

Signed by all members of the Committees except Representatives
Fukunaga and Garcia.
(Representative Larsen did not concur.)

SCRep. 1207 Finance on H.C.R. No. 102 (Majority)

The purpose of this concurrent resolution is to request the Department of Transportation to consider a general aviation airport at Poamoho, Oahu.

The development of a general aviation airport on Oahu to relieve air traffic congestion at the Honolulu International Airport (HIA) has been a public issue too long. Your Committee is in agreement with the Department of Transportation and representatives of HIA users that because of the increasing number of general aviation aircraft operating from HIA, the danger of a serious aircraft accident occurring at HIA increases daily.

Planning for a general aviation reliever airport should proceed without delay and agrees with the Department of Transportation's statement that "At the present time, the Poamoho Site, which has the lowest environmental impact, is considered to be satisfactory location for the early development of an airfield for general aviation in central Oahu."

Your Committee agrees that the Department of Transportation should at the same time continue to pursue the joint use of Wheeler Air Force Base for general aviation and your Committee further agrees that the assistance of the Hawaii Congressional Delegation in this regard is most necessary. Your Committee therefore has amended the title and body of this resolution to incorporate these views.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 102, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 102, H.D. 2.

Signed by all members of the Committee.
(Representative Fukunaga did not concur.)

SCRep. 1208 Finance on H.C.R. No. 133

The purpose of this concurrent resolution is to request the Department of Health to conduct an investigation on the feasibility of establishing a health information system and alternatives to achieve the objectives of such a system.

The effectiveness of a health care system often depends upon the availability of accurate health-related data for planning, research, evaluation, and statistical purposes. Presently, a large proportion of essential health data is not readily available among the agencies and institutions responsible for health care delivery and planning.

The health information system would serve as a central agency for the collection and dissemination of health data. The ramifications of establishing such an agency are of a level of significance as to necessitate a comprehensive and detailed investigation prior to further legislative action.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 133 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1209 Judiciary on H.C.R. No. 179

The purpose of this resolution is to commemorate May 1, 1979, as LAW DAY U.S.A.

Your Committee feels that it is very important to advance equality and justice under law and to encourage citizen support of law observance and law enforcement.

Furthermore, it is of prime importance to foster respect for the law and understanding of its essential place in the life of every American citizen; therefore, all citizens of

this State should be urged to join in the observance of LAW DAY U.S.A. through participation in the various ceremonies and programs that will be established to signify this great day.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 179 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1210

Judiciary on H.C.R. No. 138

The purpose of this concurrent resolution is to provide for an interim committee composed of persons appointed by the Speaker of the House of Representatives and the President of the Senate, and representatives from the Office of the Attorney General, the several county Offices of Corporation Counsel and the Hawaii Bar Association, to study and draft a proposal relating to governmental tort liability.

Your Committee finds that pursuant to Senate Resolution No. 342 adopted during the Regular Session of 1978, an interim committee was established for this purpose and a report of its findings submitted to the Tenth Legislature. This report contained specific recommendations for amending provisions of the State Tort Liability Act relating to the right to trial by jury, the authorization of awards of cost at the discretion of the court, and the authorization of awards for attorney's fees, but also concluded that further study was indicated on many other issues of governmental tort liability.

The Interim Committee of 1978 therefore recommended that another interim committee be constituted by the Tenth Legislature, and that participation by members of both the House of Representatives and the Senate be provided for. The adoption of House Concurrent Resolution No. 138 will effectively effectuate the Committee's recommendation.

Your Committee has amended this concurrent resolution (1) to provide for the submission of the interim committee's report or proposal to the legislature twenty days prior to the convening of the Regular Session of 1980; (2) to provide that certain offices or organizations are requested to respectively appoint a specified number of persons or representatives to the interim committee; and (3) to provide that certified copies of the resolution be transmitted to certain designated persons.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 138, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 138, H.D. 1.

Signed by all members of the Committee.

SCRep. 1211

Health; and Youth and Elderly Affairs on H.R. No. 736

The purpose of this Resolution is set forth in its title.

The "Consortium" developed from a conference designed to create a coherent and coordinated approach to the recognition of 1979 as the International Year of the Child. Many conference members soon recognized the need for greater cooperation and coordination among the numerous agencies serving children and youth and formed the "Consortium."

At present the "Consortium" is an agreement among several private and public organizations to work cooperatively. The ultimate success of the "Consortium" will require wider participation of both public and private agencies concerned with children and youth.

This Resolution recognizes the positive efforts of the "Consortium" to date and encourages the "Consortium" to persevere in its efforts to strengthen programs for children and youth beyond the International Year of the Child. Public agencies with responsibilities involving children and youth are requested to cooperatively participate with the "Consortium" in efforts to strengthen children and youth services.

Your Committee has amended the Resolution as follows:

1. The title and the fifth "WHEREAS" clause have been amended by adding the word "public" to make it clear that the "Consortium"

includes both private and public organizations.

2. The second "WHEREAS" clause has been amended to add two agencies also involved in sponsoring the International Year of the Child in Hawaii.
3. The second "BE IT FURTHER RESOLVED" clause has been amended to make it clear that private agencies and individuals in all Counties are requested to cooperatively participate with the "Consortium" in addition to public agencies.
4. The same clause has been amended to add other State agencies serving children and youth.

Your Committees on Health, and Youth and Elderly Affairs concur with the intent and purpose of H.R. No. 736, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 736, H.D. 1.

Signed by all members of the Committees.

SCRep. 1212 Youth and Elderly Affairs on S.C.R. No. 53

The purpose of this concurrent resolution is to request the four area agencies on aging (the four county offices on aging) to coordinate their efforts and cooperate with the Executive Office on Aging in the development of their respective Area Plans on Aging to support and facilitate the development and implementation of a statewide comprehensive network of services for the elderly.

Your Committee finds that the Comprehensive Older Americans Act Amendments of 1978 require each area agency on aging to prepare a three-year Area Plan on Aging for approval by the Executive Office on Aging, based on a determination of the extent of need for social services, nutrition services, and multi-purpose senior centers. Additionally, the 1978 Amendments to the Older Americans Act of 1965 requires that at least 50 percent of the amount allotted for social services be expended for "services associated with access to services, in-home services, and legal services".

Your Committee further finds that these 1978 Amendments require the Executive Office on Aging to develop a three-year State plan, based upon the Area Plans developed by area agencies on aging, for approval by the U.S. Commissioner on Aging.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of S.C.R. No. 53, S.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1213 Ecology and Environmental Protection and Transportation on
S.C.R. No. 43

The purpose of this concurrent resolution is to request the Federal Aviation Administration to grant the petition for rulemaking proposal by the Air Transport Association of America and to adopt a regulation governing the promulgation of airport noise abatement plans.

Your Committees recognize that the State of Hawaii depends heavily on air transportation for passengers and cargo movement from all geographic locations. Your Committees further find that unless there is effective and expeditious resolution of federal, state, and local responsibilities for noise abatement, Hawaii's economy and lifestyle may be adversely affected. If the Federal Aviation Administration takes no action, Hawaii will face a proliferation of unilateral, uncoordinated restrictions on air transportation.

Your Committees on Ecology and Environmental Protection and Transportation concur with the intent and purpose of S.C.R. No. 43, S.D. 1 and recommend its adoption.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1214 Transportation on H.R. No. 755

The purpose of this resolution is to request the Council of the City and County of Honolulu to submit a report containing its findings and recommendations regarding

the financing of the proposed fixed guideway as part of its review of the city's FY 1979-1980 budget.

The review should include the city's assured source of local funding and any other relevant data pertaining to the financing of the proposed fixed guideway system and its recommendations regarding the ridership, operations, maintenance costs and financing studies of the City Department of Transportation Services. The report is to be submitted twenty days prior to the convening of the Regular Session of 1980.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 755 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1215 Transportation on H.R. No. 734

The purpose of this resolution is to request the City and County of Honolulu to reconsider its plan to use Luluku Road as an access to the Hoo'Maluhia Recreational Park.

Your Committee notes that according to the Keapuka Community Association, the Hoo' Maluhia Park and dam facility will be completed soon and will receive some 150,000 to 200,000 vehicles per year. The increased volume would create a dangerous condition for their children and would drastically alter their current lifestyles.

The Association stated that there are alternate routes which provide access to the park and your Committee supports any efforts to study these routes.

Your Committee has amended this resolution to send certified copies to the City Council member representing the third Council District.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 734 as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 734, H.D. 1.

Signed by all members of the Committee.

SCRep. 1216 State General Planning on H.R. No. 672

The purpose of this resolution is to support Hawaii's congressional delegation in its efforts to establish a Temporary Federal Intergovernmental Planning Commission for Hawaii.

As proposed in SJR 169 presently before the 95th Congress, the Temporary Federal Intergovernmental Planning Commission would be comprised of Federal, State and County officials whose purpose would be to set long-range policies regarding the use of federal lands and facilities.

Your Committee finds that such a commission would be a useful mechanism in providing vertical integration and coordination among the Federal, State and county levels of government in regard to state and federal land use and facilities planning. This mechanism could also be utilized to carry out the broad goals, objectives, and policies established under the Hawaii State Planning Act, Act 100, Session Laws of Hawaii 1978. At present, the coordination and direction provided by the Hawaii State Plan is limited to the State and county levels of government.

Testimony presented before your Committee favored the adoption of this resolution. In order to address the concept rather than the specific numbered legislation before Congress, your Committee has amended the title and "Be It Resolved" clause of this resolution to delete references to the number of the Senate Joint Resolution.

Your Committee on State General Planning concurs with the intent and purpose of H.R. No. 672, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 672, H.D. 1.

Signed by all members of the Committee.

SCRep. 1217 Higher Education and Agriculture on H.R. No. 661 (Majority)

The purpose of this resolution is to support continuation of the Kohala Feed and Forage Research Project of the College of Tropical Agriculture and Human Resources (CTAHR).

Since the inception of this project in 1973, new corn and alfalfa varieties have been successfully grown and used on Molokai, Kauai and Oahu, in part, as feed for Hawaii's dairy and livestock industry. As the cost of feed alone is estimated to represent between fifty and seventy-five percent of the total livestock production costs, the utilization of locally-grown and produced feed represents a tremendous cost savings to Hawaii's dairy and livestock industries.

Based on the information presented at a public hearing on April 16, 1979, your Committees find that the continuation of this research project is warranted.

Your Committees on Higher Education and Agriculture concur with the intent and purpose of H.R. No. 661 and recommend its adoption.

Signed by all members of the Committees except Representatives
Fukunaga and Garcia.
(Representative Larsen did not concur.)

SCRep. 1218 Education on H.R. No. 626

The purpose of this resolution is (1) to request the Hawaii Housing Authority (HHA) to transfer jurisdictional authority including the responsibility for the renovation, refurbishing, and continued maintenance of the three teachers' cottages at Honokaa School to the Department of Accounting and General Services (DAGS); and (2) to request DAGS to authorize the Brantley Center, Inc. to use those cottages for its handicapped adult residential training program, and to prepare a cost study and plans for renovating the cottages, in coordination with the Brantley Center, Inc.

The Brantley Center, Inc. is a nonprofit corporation offering evaluation and training programs, sheltered employment opportunities, and a work activities center for disabled persons on the Big Island in the regions between North Kohala and North Hilo. The Brantley Center is presently launching an adult residential training program by providing disabled persons with practical training in independent living skills. However, it is having difficulties in locating facilities which are suitable for implementing their residential training program.

Your Committee finds that there are three vacant cottages formerly used by school teachers in Honokaa where the Brantley Center is located, and that the Department of Education plans to phase out these vacant cottages from their teaching housing program between 1980 and 1983. Your Committee believes that with renovation and refurbishing, these cottages would provide excellent facilities for housing the Brantley Center's residential training program. Therefore, your Committee believes that it is appropriate that the Hawaii Housing Authority transfer its responsibility of the teachers' cottages to the Department of Accounting and General Services, who could then authorize the Brantley Center to use the cottages for its residential training program.

The Department of Accounting and General Services, the Hawaii Housing Authority, and the Developmental Disabilities Council testified in support of the resolution.

The Department of Education indicated that they do not object to the use of Cottage 10 by the Brantley Center as it is presently vacant and can be transferred immediately. However, Cottage 9 and Cottage 11 are presently occupied and may be needed for teacher housing purposes due to the tight housing conditions in Honokaa.

Accordingly, your Committee has amended the resolution by specifying that only Cottage 10, and not Cottages 9 and 11, be transferred from HHA to DAGS, and that only Cottage 10 be used by the Brantley Center for its adult residential training program. In order to conform with these amendments, your Committee has also found it necessary to amend the title of this resolution to read: "HOUSE RESOLUTION REQUESTING THAT THE BRANTLEY CENTER, INC., FOR THE HANDICAPPED BE AUTHORIZED THE USE OF THE VACANT TEACHERS' COTTAGE AT HONOKAA SCHOOL AND THAT THE HAWAII HOUSING AUTHORITY TURN OVER MAINTENANCE, RENOVATION, AND REFURBISHING RESPONSIBILITY FOR THIS COTTAGE TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES".

Your Committee on Education concurs with the intent and purpose of H.R. No. 626, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 626, H.D. 1.

Signed by all members of the Committee except Representatives Machida, Stanley, Toguchi and Anderson.

SCRep. 1219

Consumer Protection and Commerce on H.R. No. 714

The purpose of this resolution is to request the Hawaii Society of Certified Public Accountants, in conjunction with other segments of Hawaii's accounting profession, to conduct an interim study of the licensing and educational requirements for becoming a Certified Public Accountant and practicing in Hawaii.

Your Committee, after spending many hours discussing the education and licensing of Certified Public Accountants in public hearings, found these issues to be very complex, with many divergent points of view within the profession. As a result, your Committee chose to recommend action only on the question of equity between applicants from other jurisdictions and from Hawaii (through Stand. Com. Rep. No. 937 Re: S.B. 1752, S.D.1, H.D. 1). Many other questions relating to fairness, professional competence, and protection of the consumer warrant consideration and perhaps action, but should not be undertaken until more information can be obtained. Your Committee believes that a study of these issues by members of the accounting profession would provide the needed information.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 714 and recommends its adoption.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1220

Public Employment and Government Operations; and Employment Opportunities and Labor Relations on H.R. No. 697

The purpose of this resolution is to request the Department of Personnel Services to expedite its recruitment practices to assure the hiring of personnel as soon as funds are made available.

Your Committees find that there is currently a high rate of unemployment in Hawaii which has adversely affected the state's economy in that an increasing number of citizens are applying for unemployment and public assistance benefits. Your Committees further find that the role of government in creating and stimulating employment is crucial since only it has the necessary resources and authority to effectively deal with the problem.

By implementing selected programs specifically designed to stimulate private industry and the public sector, government can provide more jobs throughout the community as well as reduce the number of workers seeking unemployment and welfare benefits. The Department of Personnel Services can facilitate this by improving its recruitment process so that vacancies can be filled immediately upon the receipt of appropriate monies.

H.R. No. 697 accordingly requests the Department of Personnel Services to expedite its recruitment procedures to assure the hiring of personnel as soon as funds are made available. The resolution further requests the Governor of the State of Hawaii and the State Director of Finance to immediately release funds which had been previously appropriated by the Legislature as well as other funds which may become available for programs designed to create more jobs throughout the community. In addition, the Department of Labor and Industrial Relations is requested to initiate alternative programs to alleviate unemployment.

The Department of Personnel Services and the Department of Labor and Industrial Relations testified in support of the measure, and indicated that as unemployment is costly both to society and to the individuals concerned, job opportunities in such areas as the garment and visitor industries, solar energy, aquaculture and commercial fishing should be examined more closely.

Your Committees on Public Employment and Government Operations and on Employment Opportunities and Labor Relations concur with the intent and purpose of H.R. No. 697 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1221 Health and Youth and Elderly Affairs on H.R. No. 696

The purpose of this Resolution is to request the Federal Government to allocate additional funds to the Crippled Children Services Branch of the Department of Health.

Your Committees find that because handicapped immigrant children often have received inadequate treatment in their countries of origin, their increasing numbers here in Hawaii place a disproportionate drain on the Crippled Children Services Program.

Your Committees further find that current funds are not expected to last until the end of the fiscal year, a situation which will necessitate curtailment of services to Hawaiian-born as well as immigrant children.

Your Committees have amended the resolution to provide for the transmittal of copies of this resolution to the President of the U.S. Senate and the Speaker of the U.S. House of Representatives.

Your Committees on Health and Youth and Elderly Affairs concur with the intent and purpose of H.R. No. 696, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 696, H.D. 1.

Signed by all members of the Committees.

SCRep. 1222 Health on H.R. No. 687

The purpose of this resolution is to request the Department of Health to assign its highest priority to the Honokaa Hospital Development Project in relation to all other CIP projects currently authorized for the Department of Health.

The existing Honokaa Hospital is a "non-conforming facility" under the federal Department of Health, Education, and Welfare (HEW) regulations and is threatened with decertification by the HEW including losses of federal Medicare and Medicaid funding totaling \$307,000 a year.

Your Committee has amended this resolution by having the State Health Planning and Development Agency included in the development of this project.

Your Committee on Health concurs with the intent and purpose of H.R. No. 687, as amended herein, and recommends that it be adopted, in the form attached hereto as H.R. No. 687, H.D. 1.

Signed by all members of the Committee.

SCRep. 1223 Transportation on H.R. No. 674

The purpose of this resolution is to request that the design, planning and construction of the Puainako Extension Project be expedited as the first priority on road construction on the Island of Hawaii due to frequent accidents that occur on this road.

The proposed Puainako Extension Road would provide access to and from the rapidly growing Kaumana area and alleviate the heavy traffic congestion along Kaumana Drive. It would also provide a section of Federal and State defense highway connecting the Saddle Road almost directly to the Hilo Airport runway where military aircraft land.

Your Committee notes that according to the Department of Transportation, planning studies are currently being conducted by consultants in Hawaii County and priority of this project is dependent upon the results of this study. Based on this priority, funds for design and construction will be requested at the appropriate time.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 674 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1224

Judiciary on H.R. No. 572

The purpose of this resolution is to provide for an interim committee composed of persons appointed by the Speaker of the House of Representatives and the President of the Senate, and representatives from the Office of the Attorney General, the several county Offices of Corporation Counsel and the Hawaii Bar Association, to study and draft a proposal relating to governmental tort liability.

Your Committee finds that pursuant to Senate Resolution No. 342 adopted during the Regular Session of 1978, an interim committee was established for this purpose and a report of its findings submitted to the Tenth Legislature. This report contained specific recommendations for amending provisions of the State Tort Liability Act relating to the right to trial by jury, the authorization of awards of cost at the discretion of the court, and the authorization of awards for attorney's fees, but also concluded that further study was indicated on many other issues of governmental tort liability.

The Interim Committee of 1978 therefore recommended that another interim committee be constituted by the Tenth Legislature, and that participation by members of both the House of Representatives and the Senate be provided for. The adoption of Resolution No. 572 will effectively effectuate the Committee's recommendation.

Your Committee has amended this resolution (1) to provide for the submission of the interim committee's report or proposal to the legislature twenty days prior to the convening of the Regular Session of 1980; (2) to provide that certain offices or organizations are requested to respectively appoint a specified number of persons or representatives to the interim committee; and (3) to provide that certified copies of the resolution be transmitted to certain designated persons.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 572, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 572, H.D. 1.

Signed by all members of the Committee.

SCRep. 1225

Finance on H.R. No. 581

The purpose of this resolution is to request that the University of Hawaii, together with the Department of Budget and Finance, conduct a study to determine overhead needs connected with research and training projects of the University of Hawaii. The scope of the study should include (1) matching moneys required by federal granting agencies; (2) repair, maintenance, and replacement of research equipment; (3) emergency needs unforeseen in budget preparation; (4) development support for new research and training; and (5) revolving funds required to adequately support research and training at the University of Hawaii.

Funding for research and training grants and contracts is divided in two parts. The first is for "direct" expenses which cover the salaries and fringe benefits of technicians involved in the project, supplies and equipment necessary to carry on the research project, publication and travel costs and other related expenses. Moneys to support these activities are provided directly by the grants and contracts.

The second part of research and training funds is for "indirect" expenses which include the numerous administrative and overhead expenses such as payroll and accounting, clerical support services, facilities and equipment maintenance and repairs, utilities and janitorial services, library facilities and services, and general office equipment and supplies. "Overhead" is a research support mechanism which ensures that a portion of the actual funds expended in conducting research and training is returned to the Federal policies and guidelines require that "indirect" expenses be recovered by the University through the "indirect overhead" reimbursements made by the federal government. Stated another way, only moneys actually spent for "indirect" costs are recoverable by the State.

The University has indicated, and your Committee agrees, that more precise information is needed to ascertain the University's support requirements relative to its research and training programs. A thorough assessment and analysis will better ensure the University of recovering its fair share of costs incurred.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 581 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1226

Finance on H.R. No. 749

The purpose of this resolution is to request the Department of Health to determine the need for mental health inpatient care facilities for persons under the age of seventeen and to report its findings and recommendations to the Legislature before the next Regular Session.

The Department of Health and representatives of private psychiatric service facilities, in response to a legislative request, reviewed the referral system for mental health patients to determine the adequacy of space provided for patients requiring immediate attention. One finding of the review was that there was a shortage of inpatient mental health care facilities for persons under the age of seventeen. The review recommended that the level of need for facilities for these persons be determined and action be taken to correct deficiencies. This resolution is the initial step to accomplish the recommendation.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 749 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1227

State General Planning and Agriculture on H.R. No. 141

The purpose of this resolution is to request the review of the progress of the Department of Agriculture in preparing the agriculture functional plan mandated by Act 100, Session Laws of Hawaii 1978.

Testimony presented by Yukio Kitagawa for John Farias, Chairman of the Board of Agriculture indicates that the Department of Agriculture is revising their overall approach to completion of the functional plan and are preparing one document rather than two separate volumes. They have also restructured the outline of the plan to follow the Functional Plan Guidelines as suggested by the Department of Planning and Economic Development. In so doing, more emphasis will be placed on the linkage between the functional plan for agriculture and the Hawaii State Plan. The functional plan will include the following changes: refinement of the statement of purpose of the plan; analysis of all major Hawaiian agricultural commodity groups to determine their factor requirements including but not limited to the 17 commodities selected by the College of Tropical Agriculture for detailed analysis; examination of existing programs affecting agriculture to determine where expansion of effort may be needed; and the review of the objectives and policies for agriculture to see whether more specific statements may be desirable. Yukio Kitagawa further stated that the Department of Agriculture has contacted each of the counties to request their comments on the first draft of the functional plan for agriculture, as well as an update on their county general plans relating to agriculture. The Advisory Committee for the Agriculture Functional Plan has been recently formed and has met for the purpose of orientation on the initial drafts of the functional plan.

Your Committees find that additional review and evaluation of the functional plan is needed in order to keep abreast of the progress being made on the agriculture functional plan and have appropriately amended the title and body of this resolution to request the review and examination of the agricultural functional plan during the 1979 Legislative Interim by an interim committee.

Your Committees on State General Planning and Agriculture concur with the intent and purpose of H.R. No. 141, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 141, H.D. 1.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1228

Youth and Elderly Affairs on H.R. No. 645

The purpose of this Resolution is to request the House of Representatives' Committee on Youth and Elderly Affairs to review the desirability and feasibility of transferring the functions, duties and powers of the Executive Office on Aging, Office of the Governor, to one of the principal departments of the State government and improving the delivery of public services to elderly persons.

Your Committee finds that in Hawaii's highly centralized governmental organization

there is a strong presumption in favor of lumping discrete functions under a general umbrella labelled "Department". However, there is a lack of persuasive evidence that "centralization" is preferable to "decentralization". Therefore, your Committee believes that it is best to thoroughly study the alternative possible organizational placement of the Executive Office on Aging before changing the structure of State government in Hawaii.

Your Committee wishes to stress that the purpose of this Resolution is not to dismantle the Executive Office on Aging or weaken it in any way. It is your Committee's intention that the review be for the purpose of finding ways to strengthen and improve services to Hawaii's elderly people.

Your Committee has amended the Resolution by adding a "BE IT FURTHER RESOLVED" clause spelling out certain matters to be considered during the review.

The last "BE IT FURTHER RESOLVED" clause has been amended by requiring the transmittal of certified copies of the Resolution to additional concerned parties.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of H.R. No. 645, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 645, H.D.1.

Signed by all members of the Committee.

SCRep. 1229

Tourism and Higher Education on H.R. No. 541

The purpose of this resolution is to request the appointment of an interim committee to determine ways and means by which Hawaii's public tourism educational and training programs can be improved in order that Hawaii can become an international showcase of quality visitor industry manpower training.

Economic projections for the State of Hawaii show that a major portion of future employment will come from Hawaii's visitor industry. Hotels alone are expected to provide at least 24,300 jobs by 1980, an increase of 28 percent over the 19,000 jobs available in 1975. In addition to the primary jobs provided by hotels, thousands of other secondary jobs are generated in retail sales, transportation, construction, restaurants and nightclubs.

Because of the key role the visitor industry is expected to play in Hawaii's employment future, early efforts in joint public and private manpower developments are necessary to ensure a continuous well-trained labor force for the industry. The State Tourism Plan, mandated by the Legislature in 1976, includes an identification of public educational programs and an assessment of manpower needs for the visitor industry. The Department of Planning and Economic Development (DPED) included these findings under the "Manpower" component of the 1978 State Tourism Study. A manpower simulation demand model was included in the study as a means of projecting the visitor industry's future employment needs and to forecast the training output of state funded educational programs.

Of all the employment areas related to the visitor industry, your Committees find that the food service segment to be most in need of educational and training programs. This segment of the visitor industry labor force traditionally has a record of high turnover, economic instabilities in the work force, and problems with job satisfaction. Shortages of trained food service manpower averages approximately 95 percent of the projected total manpower shortage for the industry. More realistically, given an attrition rate of approximately 30 percent, the shortage is even more acute. While many unskilled or semiskilled food service jobs can and will be filled at least by temporary workers, the more responsible positions in food production will require more than a high school background. Of the general managerial demand, food service managerial positions constitute approximately 28 percent each year.

Testimony presented before your Committees indicate that education and experience in food service and preparation is often a necessary prerequisite to the attainment of higher level managerial positions in the hotel industry. However, your Committees learned that one of the major obstacles in many of Hawaii's public education food service programs is the lack of proper training facilities.

To substantiate this, your Committees visited the University of Hawaii at Manoa's School of Travel Industry Management (TIM) and the Kapiolani Community College (KCC). The School of Travel Industry Management provides education and training

in hotel and restaurant management as one of its curriculum specialty areas. Course requirements include planning, organizing, and operation of different types of food services in hotels, chain and independent restaurants, clubs, and institutions on a local, regional, national or international basis. The Kapiolani Community College offers basic skills of food preparation to train chefs, fry cooks, bakers, and hotel front office personnel such as front desk clerks.

Your Committees found that, due to financial constraints, the School of Travel Industry Management utilizes the food service facilities of the University's School of Public Health nutrition program. It is your Committees' view that the equipment available under this arrangement to TIM students is better suited to individual household food service rather than commercial scale food service. The facilities are insufficient to accommodate increasing TIM enrollment and the physical space allocated for these facilities too limited to accommodate appropriate training equipment and space. The value and the quality of training given on such equipment is questionable.

Although the quality of equipment at KCC was found to be suitable for training, there is a serious question as to whether these facilities are sufficient to meet the enrollment demands of the program. In fact, the college has had to limit enrollment due to the limited amount of training facilities. Furthermore, the college is in the process of moving its facilities to the East Honolulu Community College campus and the food preparation facilities at the Kapiolani campus site may be left behind and operated as a separate unit.

Your Committees believe that if Hawaii's residents are to qualify for the large spectrum of jobs projected in the visitor industry, then proper visitor industry food service training programs and manpower training programs need to be addressed. The first area should be facilities. Because these facilities are costly, various approaches should be considered, including the possible centralization and expansion of the Kapiolani Community College campus food facility. Shared use arrangements with the TIM School and other public and private educational programs could be developed.

Further testimony presented before your Committees described hotel management schools, considered to be the best in the nation, which utilize simulated real-life conditions through sophisticated training facilities or actual on-campus training hotels. The facilities and training programs offered by these institutions vary according to the emphasis of the educational program. An examination of the program approach and facilities experiences of these institutions would be of significant value and assistance to Hawaii's efforts to improve, upgrade, and direct educational programs related to Hawaii's visitor industry. Your Committees have amended this resolution to identify these top educational institutions and the type of training facilities offered.

Your Committee on Tourism and your Committee on Higher Education concur with the intent and purpose of H.R. No. 541, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 541, H.D. 1.

Signed by all members of the Committees except Representatives
Dods, Hagino and Suwa.

SCRep. 1230

Water, Land Use, Development and Hawaiian Affairs on H.R.
No. 608

The purposes of this resolution are to request the Department of Land and Natural Resources to give full and fair consideration to the land tenancy issues affecting the people holding revocable permits covering State land in Maunaloa Valley and asks the Department to develop and submit proposed legislation amending applicable provisions of the statutes to lawfully provide for the direct issuance of leases by means such as negotiation and for periods longer than thirty days.

Your Committee learned that the first settlers of the areas in the vicinity of the Maunaloa Stream and the Kaneohe Stream of the Honolulu Watershed Forest Reserve on Oahu were of native Hawaiian ancestry and were known to be inhabiting the area as long ago as 1861. The descendants of these first settlers have resided in the area continually for more than one hundred years, during the transformation of the government of Hawaii from the days of the Hawaiian Kingdom to the Republic of Hawaii, the Territory of Hawaii, and finally to the State of Hawaii. Settlers of the valley have sought on several occasions to acquire title in fee to land in the area, but have been unable to do so. They presently live on the land under 30 day revocable permits from the Department of Land and Natural

Resources. As the settlers' occupation of the lands is on a month-to-month basis with no assurance of continuation of their occupancy for long stretches of time, it is difficult for them to repair their dwellings as lending institutions are reluctant to lend on such short-term security.

Your Committee finds that the Board of Land and Natural Resources has authorized the issuance of revocable permits to the Maunaloa residents and has assured the permittees that it will attempt to seek legal means to give them long-term tenure. The Department stated that it will continue to work with the Association to research statutes and other documents to uncover any legal means of affording long-term tenure. The Board of Land and Natural Resources intends to discuss this matter at its May board meeting.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 608 and recommends it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1231 Water, Land Use, Development and Hawaiian Affairs; and
Transportation on H.R. No. 448

The purpose of this Resolution is to request the Department of Planning and Economic Development, the Department of Transportation, and the University of Hawaii to include the relocation of the Waikiki Aquarium in the 1995 Master Plan for Honolulu Harbor, and to submit a report to the Legislature on the action taken on this request prior to the convening of the 1980 Regular Session.

Your Committees heard testimony from the Department of Planning and Economic Development, the Department of Transportation, the University of Hawaii, and the Marine Affairs Coordinator. Testimony was mixed, and some reservations were expressed about the mandatory inclusion of the Aquarium in the 1995 Master Plan for Honolulu Harbor.

Your Committees find that the present site for the Aquarium has accessibility and expansion problems, as it is surrounded by Kapiolani Park, a popular recreational area. Your Committees find that an aquarium should, ideally, be accessible to people on a day to day basis, have water access, and be near a municipal center. Your Committees also find, however, that several other proposed sites for the Aquarium have not been explored in depth.

Your Committees have, therefore, amended the Resolution to provide that the Departments of Planning and Economic Development and Transportation and the University of Hawaii are requested to consider (rather than "include") the relocation of the Aquarium in the 1995 Master Plan for Honolulu Harbor. Your Committees feel that this amendment will give these agencies needed flexibility in the development of the Master Plan for Honolulu Harbor. Your Committees have also appropriately amended the title of the resolution by substituting the word "include" with "consider".

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Transportation concur with the intent and purpose of H.R. No. 448, H.D. 1, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. 448, H.D. 2.

Signed by all members of the Committees.

SCRep. 1232 Finance on H.R. No. 738

The purpose of this resolution is to request the Hawaii Housing Authority to study the feasibility of developing elderly housing in the Keaahala Community Complex in the Kaneohe area. The specific area the study is intended to cover is the land owned by the State and presently zoned for park use. This land is located Mauka of Kahekili Highway and on the Kahaluu side of Keaahala Road.

There are a number of factors which your Committee believe are favorable for elderly housing in the Keaahala Community Complex. These factors include a major health care facility in the Hawaii State Hospital; numerous parks, recreational opportunities, and open space area; the Windward Community College offering continuing education programs; ready access to major public transportation arteries; and close proximity to the Kaneohe downtown area.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 738, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1233 Finance on H.R. No. 722

The purpose of this resolution is to request the Department of Health and the School Health Services Advisory Committee to jointly examine the statewide school health services program.

The school health services program serves an important function in that it makes valuable health services available to all children in the schools.

Your Committee agrees that, in order that the program serve its purpose in the most efficacious manner, several prerequisites must be met. The study should address itself to these matters. Included among these points are:

- 1) identification of specific goals and objectives of the program;
- 2) establishment of a timetable for the achievement of the goals and objectives;
- 3) identification of the roles and functions of school health nurses and school health aides under the program relative to the goals and objectives of the program;
- 4) clarification of qualifications of program personnel;
- 5) differentiation of health services needs at different school levels;
- 6) projections of costs for meeting the goals and objectives of the program;
 and
- 7) analysis of necessary or desirable changes in the direction, emphasis, and need for the program.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 722 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1234 Finance on H.R. No. 705

The purpose of this resolution is to request a study of the feasibility of constructing restroom facilities in the parking lot areas of Aloha Stadium.

The heavy congestion that often occurs at the Aloha Stadium often results in long delays and waiting periods for people in parking lot areas and the demand for restroom facilities in these areas indicates that there may be a need for the study requested by this resolution.

Your Committee agrees that it would be in the public interest to construct permanent restroom facilities in various areas of the parking lots at Aloha Stadium if a study supports such construction.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 705 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1235 Finance on H.R. No. 704

The purpose of this resolution is to request that the Hawaii Housing Authority (HHA) study the feasibility of developing housing for the elderly in the 21st District, and that this study include an analysis of sources of financing, and a possible timetable for developing the housing project.

Because there is a steadily growing population of elderly people living on modest

fixed incomes and because of the present inflationary trend of the economy, it appears that future developments in the housing market are likely to place the elderly in a disadvantageous position when trying to find decent housing.

The Hawaii Housing Authority, experienced in developing housing for the elderly, controls or could gain access to significant land acreage in the 21st District. At the same time, many of Hawaii's elderly desire to live outside the Honolulu urban area but are restricted due to limited availability of housing units at prices they can afford.

Your Committee therefore agrees that HHA should seriously consider developing housing for the elderly in the 21st District.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 704 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1236

Finance on H.R. No. 676

This resolution requests the departments of health and social services and housing to investigate the implications of equal access to services for the handicapped, including the hearing impaired. A determination of the adequacy of available training of interpreters for the hearing impaired and recommendations for funding sources and responsibility for providing interpreter services is also requested.

Your Committee finds that although federal laws mandate equal access to public services for the handicapped, including the deaf, no accompanying federal funds have been available for meeting the costs of these considerations. Thus far, little work has been done in the area of providing equal access to persons with hearing impairments, expertise in this area is scarce and costly.

Your Committee agrees that a study is necessary to assess the fiscal implications of ensuring equal access to services for the deaf, and the means by which the State can most effectively provide for equal access for handicapped persons.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 676 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1237

Finance on H.R. No. 692

The purpose of this resolution is to request the department of health to review the health screening services currently provided by the department and other public and private agencies and to propose recommendations for establishing comprehensive health screening for children under eighteen years of age.

Prompt detection of illness and other medical problems in their incipient stages permits treatment while these ailments are less developed and less severe, thus reducing both the extent of suffering, and in the long run, the dollar cost of treatment. Health screening is an essential component of early detection and treatment of medical problems.

Currently, there are various public and private agencies conducting screening programs, each oriented towards detecting various specific health problems and disease categories, rather than the range of potential ailments of the person being screened, so that, in essence, diseases are screened but the whole person is not screened. Furthermore, there is a lack of overall coordination, planning, and integration of screening services in the community, and there is no procedure or system whereby an infant or child can obtain a general screening. The lack of a coordinated health screening system can result in inadequacies in screening, and some potentially serious and costly health problems may not be detected.

Your Committee agrees that there is a need for greater coordination and integration of health screening services for persons under eighteen years of age than presently exists.

Your Committee has amended the resolution to correct a typographical error.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 692, H.D. 2, as amended herein, and recommends its adoption as H.R. No. 692, H.D. 2.

Signed by all members of the Committee.

SCRep. 1238

Finance on H.R. No. 695

The purpose of this resolution is to request an examination of the programs being provided to handicapped children and adults in the State to determine the appropriateness and responsibilities of the departments involved in these programs.

The Department of Health and the Department of Education presently provide services for the care and education of handicapped children. These children, because of physical or mental conditions, require special instructions, facilities and/or services. There is a question as to whether the needs of handicapped children have been effectively met because of divided responsibilities with respect to education, training and rehabilitation.

Many of the needs of these handicapped children continue through adult life, and again there is no designated single agency for assuring continued services to adults, although the Department of Social Services and Housing and the Department of Health provide some services.

Your Committee agrees that a clear delineation of responsibilities is necessary if these needs are to be met and also that perhaps a single agency should be charged with the responsibility of the care of the handicapped person.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 695, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1239

Finance on H.R. No. 573

This resolution is aimed at more effectively informing Hawaii's elderly of the services available to them.

Government at all levels has increasingly been responsive to the needs of elderly persons. Currently the State offers a wide variety of services to the elderly including, among other things, public assistance, senior centers, tax relief, and tuition exempt educational offerings. Yet, some elderly persons unnecessarily suffer because they are unaware of the full range of public services available to them.

Your Committee believes that to have an effective program for the elderly, information regarding services available must be disseminated to those served. Your Committee therefore agrees that a study should be conducted describing public services available to elderly persons; and evaluation made as to the adequacy and effectiveness of activities for informing the elderly about services available to them; and recommendations formulated as to ways of improving the dissemination of information to the elderly about public services to which they are entitled.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 573 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1240

Finance on H.R. No. 85

The purpose of this resolution is to request the appropriate state agencies to assess the safety problems at the Honolulu International Airport caused by the mix of general aviation aircraft with commercial and military aircraft as well as by other factors. This assessment should also include an investigation of the availability of federal assistance which may be used to rectify these safety problems.

The Department of Transportation has started an update of the master plan for Honolulu International Airport. A major consideration of the master plan study is the mix of air traffic and optimum use of the existing airspace and airfield. Safety is the prime

consideration in planning and designing of all airport facilities. The new project will require two years to complete and is scheduled for final approval in early 1981. Your Committee has therefore amended this resolution to ask that the findings and recommendations be submitted to the Legislature twenty days prior to the Regular Session of 1981 rather than 1980. A progress report, however, is requested prior to the 1980 session.

Your Committee has further amended this resolution to resolve that certified copies be sent to the Federal Aviation Administration.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 85 as amended herein and recommends its adoption in the form attached hereto as H.R. No. 85, H.D. 1.

Signed by all members of the Committee.

SCRep. 1241 Finance on H.R. No. 207

The purpose of this resolution is to request the Statistical Analysis Center to report the feasibility and cost of expanding its functions to accommodate an agency-by-agency and overall analysis of the criminal justice system.

The criminal justice system is composed of various agencies, each with separate, identifiable roles and it is necessary to obtain an overall analysis of the criminal justice system as well as a review of the roles, effectiveness and operation of each agency.

The Statistical Analysis Center performs valuable data gathering services such as Offender Based Transaction Statistics, Uniform Crime Reports and Management and Administrative Statistics which are presently utilized by some agencies within the criminal justice system.

The objective, non-judgmental role of the Statistical Analysis Center in data gathering is a critical factor in establishing an accurate, effective analysis program to properly understand the designated problem areas and tasks to be accomplished within this system.

Your Committee agrees that requesting the Statistical Analysis Center to investigate the feasibility and cost of expanding its function within the criminal justice system to accommodate agency-by-agency and overall analysis on a periodic basis will greatly aid in determining the areas of criminal justice that might benefit most by such expanded functions and thus provide for better understanding and prevention of crimes in our society.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 207, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1242 Finance on H.R. No. 308

The purpose of this resolution is to request the director of measurement standards to conduct a study relating to the availability and permissibility of the use of existing scales for truck weight enforcement and to submit a report to the legislature prior to the convening of the Regular Session of 1980.

Hawaii has been identified as one of the states conducting an inadequate size-weight enforcement program for trucks, thus imperilling the receipt of federal aid project funds. Most of the motor truck scales in this state are located on private property, are privately owned and operated, and many are located in out-of-the-way places. Your Committee agrees that if these privately owned and operated scales could be used to enforce vehicle weight laws, the effectiveness of the truck weight enforcement program may be greatly improved.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 308 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1243

Finance on H.R. No. 357

The purpose of this resolution is to reduce the incidence of serious injury or death due to food-choking by requesting all food establishments and facilities to post instructions on the Heimlich Maneuver.

Food-choking is found to be the sixth leading cause of accidental death in the United States, with its victims numbering more than those accidentally killed by firearms or in airplane accidents, and is the leading cause of accidental death among infants. Food-choking, however, is easily recognized and people can be saved from food asphyxiation by a first aid procedure referred to as the Heimlich Maneuver. This procedure does not require specialized instruments or equipment and can be performed by any informed layperson. Furthermore, the Heimlich Maneuver is easily understood when described or pictured to the layperson.

Your Committee agrees that to make people aware of this procedure, diagrams depicting the procedure should be posted in eating establishments and facilities where food is served.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 357, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1244

Finance on H.R. No. 396

This resolution requests the department of the attorney general and the department of social services and housing to continue and expand their investigations of the possible over-prescribing of drug products by some physicians for medical assistance recipients.

Your Committee is aware that abuse may occur in the prescribing practices of some physicians for medical assistance recipients. Allegations have been made that some physicians sometimes prescribe drug products for medical assistance recipients more frequently than is therapeutically necessary. If the allegations are true, possible results could be the addiction to or even overdose on the drug, or the sale of these drug products by the recipients. The taxpayer also suffers because of unnecessary additional payments under a government program.

It is the understanding of your Committee that the department of the attorney general and the department of social services and housing is currently in the process of conducting investigations of some of the instances of abuse which have been identified. Your Committee agrees that a continuation and expansion of these investigations is warranted. Furthermore, your Committee believes that the resources of Project Integrity, a federally sponsored project to identify and pursue Medicaid fraud and abuse should be utilized to the fullest extent possible in carrying out these investigations.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 396, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1245

Finance on H.R. No. 192

This resolution requests the State Department of Transportation to monitor the progress of a study being conducted by the University of Tennessee on mandatory seat belt usage for children in order that Hawaii may have the advantage of reviewing the merits of enacting a mandatory safety seating law for children in moving vehicles.

There is growing concern over the significant increase in automobile related trauma and death, especially when it involves children. Your Committee finds that in Hawaii 340 passengers injured in automobile accidents and 2 passengers dying in 1977 were aged 4 and under. Another 656 passengers injured and two passengers who died in that same year were 5 to 14 years of age. Surveys indicate that the majority of severe accidents and deaths occurring that involve children are due to ejection of the passenger from the vehicle, contact with the car interior, and invasion of a foreign object into the occupant's space. It is believed that a majority of automobile related injuries and deaths involving children could be prevented by use of child auto seat restraints.

Opinion is sharply divided, however, between the right of individuals to decide whether to protect themselves, and the opinion that children are helpless and dependent passengers with no "choice" or "rights". The controversy is at its zenith in the state of Tennessee where a mandatory seat belt usage for children has been enacted into law.

Hawaii, in considering the enactment of similar legislation should take advantage of the experience gained in Tennessee in the implementation of its Child Restraint Law.

In its original form, this resolution requested the Department of Transportation to conduct a study on the feasibility of mandating safety seating for children in moving vehicles. It was learned by your Committee, however, that the National Highway Traffic Safety Administration has contracted the University of Tennessee to conduct a study on the impact and effectiveness of the Tennessee Child Restraint Law. The study is already in its second year, and the cost of the contract is \$650,000, thus your Committee believes that the University of Tennessee study will be far more comprehensive and in-depth than any study Hawaii could hope to undertake without duplicating what is already being done. Your Committee therefore has amended this resolution to request the Department of Transportation to monitor the progress of this University of Tennessee study and to report to the Legislature whatever information which can be obtained on this study.

The title has also been amended to reflect the amended intent of this resolution.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 192, as amended herein, and recommends its adoption as H.R. No. 192, H.D. 1.

Signed by all members of the Committee.

SCRep. 1246 Finance on H.R. No. 231

The purpose of this resolution is to request Congress to provide financial assistance to the development, implementation and operation of programs by states disproportionately affected by immigration.

Your Committee finds that the U.S. Immigration laws have enabled a large number of immigrants to make Hawaii their permanent residence. Since 1975, Hawaii has received approximately 7,000 immigrants per year. Studies have shown that the ratio of the number of aliens in Hawaii to the numbers of civilians is excessively higher than the national average.

Furthermore, your Committee finds that in many cases, these immigrants create additional demands for public services in the areas of health, employment, education, and public assistance. The federal government has failed to recognize the additional burden of providing these services by increasing federal aid for these programs, thus the burden for providing these services necessarily falls upon the Hawaii taxpayer.

Your Committee believes that Hawaii, as well as those other states who are disproportionately affected by immigration, bears an unequal share of the fiscal responsibility for national immigration policies, and this inequality should be rectified by Congress.

Your Committee on Finance concurs with the intent and purpose of H.R. 231 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1247 Finance on H.R. No. 253

The purpose of this resolution is to request the Department of Social Services and Housing to conduct and continue the outreach program mandated by the Federal Food Stamp Act of 1977.

The objective of the outreach program is to inform low-income households, particularly the elderly, of the availability, eligibility requirements, and benefits of the food stamp program. In addition, the outreach program assists eligible households in filling out applications and securing the necessary verification and documentation.

Although the outreach program is mandated by the federal Food Stamp Act of 1977, the executive budget for Hawaii shows that only seventy per cent of the potentially

eligible families and individuals are expected to participate in the food stamp program in fiscal year 1978-79. Therefore your Committee believes that the Department of Social Services and Housing should approach the outreach program not only as a mandatory function for continuation of the food stamp program in Hawaii, but also as a necessity in reaching a greater percentage of those eligible to promote a better standard of living for Hawaii's citizens.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 253 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1248

Finance on H.R. No. 418

This resolution urges all those associated with University of Hawaii to support athletic programs throughout the Community College System.

Your Committee finds \$50,000 was appropriated to the Community Colleges and the University of Hawaii at Hilo (Act 218, Session Laws of Hawaii 1974) for a statewide intercampus athletic program for the 1974-1975 academic year. In the Spring of 1976, the Board of Regents, through its Stadium Endowment Fund earnings, allocated \$25,000 to underwrite three spring semester athletic events for students at seven Community Colleges.

In the absence of State funds, the Community Colleges' intercampus athletic programs have been financially assisted by each student government through revenues generated from student activity fees and through special fund-raising projects. For campuses with smaller enrollments, however, the revenues from student activity fees may not be adequate.

Your Committee agrees athletics is an integral part of the educational experiences of students. Being cognizant of the State's budgetary constraints, however, your Committee realizes that there will not always be adequate State funding of intercampus athletics. Therefore, your Committee urges the continued support for intercampus athletics from all sectors of the University community including students, faculty, and the administration.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 418, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1249

Finance on H.R. No. 434

This resolution as amended requests the department of transportation to study the feasibility of establishing contra-flow lanes and other alternate traffic flow strategies along the Trans-Koolau Highways in an effort to alleviate traffic problems during peak hours.

Your Committee recognizes that traffic congestion during peak hours causes great hardship and inconvenience for users of the Pali and Likelike Highways. Steps should be taken to try to alleviate the existing traffic problems, whether they be contra-flow lanes or other techniques and strategies to improve the flow of traffic.

Traffic problems along the Trans-Koolau Highways, also include the hazards and difficulties motorists encounter in attempting to enter the highways from residential areas scattered along either highway. Access to the highways are either non-existent or congested and hazardous. Your Committee has thus amended the resolution to recognize this problem and to request that the department of transportation also study means of alleviating this problem.

The resolution was further amended to pluralize "Trans-Koolau Highway" to clarify that this term refers to both the Pali Highway and the Likelike Highway.

The title was also amended to more accurately reflect the intent of the amended resolution.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 434, H.D. 1, as amended herein, and recommends its adoption as H.R. No. 434, H.D. 2.

Signed by all members of the Committee.

SCRep. 1250 Finance on H.R. No. 474

The purpose of this resolution is to provide guidelines for implementation of Article XI of the Constitution of the State of Hawaii which provides for the licensing of mariculture operations in the ocean waters of the State.

The issue of licensing mariculture operations is a complex issue that must be approached cautiously. The formulation of guidelines for licensing and regulating mariculture operations will require information obtained by extensive and original research or by extraction from a diverse array of existing studies. It will require addressing such factors as a resource inventory, ownership of resources, the scope of mariculture operations, potential species for mariculture operations and potential markets for sale of these species. Responsible guidelines must also maintain the rights of the public to fee and unfettered use of the ocean for recreation, commerce and navigation.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 474, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1251 Finance on H.R. No. 536

The purpose of this resolution is to request that the Department of Transportation study alternative methods of financing needed capital improvements of the Harbors Division and report its findings and recommendations to the 1980 Regular Session of the Legislature.

Currently, wharfage fees based on tonnage comprise the bulk of the revenues of the Harbors Special Fund. These fees are found to fall unevenly on users of the State's harbors, with the burden falling most heavily on low-cost, high-weight cargo such as fresh produce and certain raw materials which must be processed before significant value is created. Your Committee agrees that it may be in the public interest to encourage rather than penalize activities such as the production and interisland transportation of fresh produce and the importation of raw materials to be processed by Hawaii's workers into a finished product for local use and export.

Your Committee therefore agrees that a study should be conducted on alternatives to the wharfage fee to fund harbors capital improvements in a manner which is equitable and which generates sufficient revenues.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 536 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1252 Finance on H.R. No. 511

This resolution requests the department of health to coordinate a survey to determine which public schools have ceilings utilizing sprayed-on material containing asbestos. Furthermore, if classrooms are found with ceilings in a potentially dangerous condition as determined by airborne sampling tests, the department of accounting and general services, in cooperation with the departments of health and education, is requested to take steps to eliminate such potential hazards. Also requested is a report to the legislature prior to the convening of the Regular Session of 1980.

The potential health threat that airborne asbestos fibers poses has just recently been recognized. Asbestos fiber suspended in air can be inhaled and may lead to serious lung and respiratory diseases. Spray-on material containing asbestos, which was commonly used on ceilings in public schools, presents the primary potential health hazard. It is therefore essential that testing for airborne asbestos fibers in public schools be conducted in a most expedient manner in the interest of the health and safety of our students and teachers.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 511, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1253 Finance on H.R. No. 499

The purpose of this resolution is to request the Departments of Land and Natural Resources (DLNR) and Planning and Economic Development (DPED) to select Heeia-Kea fishpond as one of the ancient Hawaiian fishponds to be evaluated for the feasibility of implementing limu farming and, if determined to be feasible, to support the implementation of the Heeia-Kea Community Association limu project proposal.

A DPED report, Agriculture Development for Hawaii, recommends considering the feasibility of restoring representative Hawaiian fishponds as historical features, tourist attractions and possible sites for commercial aquaculture operations. In response to this need, DPED's Aquaculture Development Program is funding the first year of a proposed three-year project entitled "Implementation of Gracilaria Farming in Hawaii." The purpose of the project is to identify and train research personnel, to identify sites and to complete a pre-investment feasibility study of ogo (limu) farming in Hawaii. According to the project proposal, Heeia Pond has been used as a test site for preliminary experiments and could continue to be used as one of 5 sites to be intensively monitored. According to the researchers the pond has potential as an ogo production site.

Furthermore, the Heeia-Kea Community Association has developed a proposal for restoration and use of the Heeia-Kea fishpond for the culture of edible limu for the combined purposes of economic development, cultural awareness, community betterment, historical preservation and research. As a community-based project, it reflects the desire of area residents to find economically productive uses for Heeia fishpond which are compatible with the rural Hawaiian atmosphere of the region.

Your Committee agrees that the renovation of Heeia-Kea fishpond would not only promote and increase the propagation of the valuable local food, the natural supply of which is being rapidly depleted, but would also foster the State's aquaculture program and historic preservation program.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 499 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1254 Finance on H.R. No. 554

The purpose of this resolution is to request that the Board of Regents of the University of Hawaii in coordination with the University Administration, investigate the feasibility of offering an Associate of Arts and/or Baccalaureate Degree Program in film-making and television.

Film-making and television industries have a definite impact on the State's economy through increased revenues and employment. According to the Head of the Hawaii Film Office of the Department of Planning and Economic Development, in 1978 motion picture productions grossed \$45 million, generated \$2.04 million in tax revenues, and employed 1,610 residents. The Department of Labor and Industrial Relations reported that one television series contributed an estimated \$9 million to the State's economy.

The ever-expanding, film-making and television industries are in great need of well-qualified personnel. The lack of skilled technicians and artisans in Hawaii has forced the importation of qualified individuals.

The establishment of a degree-granting program will fill this vast need by providing students training and experience, thereby upgrading skills to strengthen Hawaii's potential for continual growth as a major motion picture and television production center.

Your Committee has amended the last "BE IT RESOLVED" clause to assure receipt of this resolution by the Chancellor of Community Colleges as well as each of the other Chancellors of the University system.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 554, as amended herein, and recommends its adoption as H.R. No. 554, H.D. 1.

Signed by all members of the Committee.

SCRep. 1255 Finance on H.R. No. 547

The purpose of this resolution is to request the Department of Health to conduct an investigation on the feasibility of establishing a health information system and alternatives to achieve the objectives of such a system.

The effectiveness of a health care system often depends upon the availability of accurate health-related data for planning, research, evaluation, and statistical purposes. Presently, a large proportion of essential health data is not readily available among the agencies and institutions responsible for health care delivery and planning.

The health information system would serve as a central agency for the collection and dissemination of health data. The ramifications of establishing such an agency are of a level of significance as to necessitate a comprehensive and detailed investigation prior to further legislative action.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 547 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1256 Legislative Management

Informing the House that House Resolution Nos. 800 to 811, House Concurrent Resolution No. 183, and Standing Committee Report Nos. 1191 to 1255, and 1257 and 1258, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1257 Legislative Management on H.R. No. 720

The purpose of the resolution is to authorize various standing and special committees to conduct hearings during the interim period between the regular sessions of 1979 and 1980 as permitted by the Speaker and with the concurrence of the Legislative Management Committee.

Because many of the complex issues which the legislature deals with during the regular session require further review and study, it is necessary to authorize interim hearings for the purpose of additional investigations. It is intended that the Speaker in conjunction with the Legislative Management Committee review the many requests for interim studies and hearings, and assign them to appropriate standing and special committees. The Resolution also includes a provision which directs these interim committees to report to the full House 10 days after the convening of the regular session of 1980.

Your Committee has amended the Resolution by making minor changes that better clarify the intent of the resolution without making substantive changes.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 720 as amended herein and recommends its adoption in the form attached hereto as H.R. No. 720, H.D. 1.

Signed by all members of the Committee.

SCRep. 1258 Consumer Protection and Commerce on H.R. No. 622

The purpose of this resolution is to request that the Public Utilities Commission and the Board of Land and Natural Resources give special consideration to two issues insofar as they pertain to their jurisdiction. The two issues are: (1) The validity of determining that a need exists for the projected high voltage facilities in the light of planning policies, alternative energy possibilities, and energy conservation measures, and (2) The location, if need is established, of transmission lines where they will cause the least possible adverse impact on the affected communities.

Your Committee has reviewed the testimony presented at the hearing on April 10, 1979. In light of that testimony and subsequent research, your Committee has amended the resolution.

Your Committee is aware of the substantial private and public efforts to reduce Hawaii's

dependency on fossil fuels through alternate energy sources and energy conservation. However, many of the alternate energy sources, such as biomass conversion, ocean thermal, wind, geothermal, and solar central, will still require power transmission lines. While office and home solar units can periodically reduce the demand for power, the system must be designed to meet peak loads, since overcast weather causes consumers to draw from the utility lines instead of the solar unit, and the peak demand during these periods will not be reduced by the solar units. Also, while energy conservation is a potential curb on the growing demand for energy, it would not be reasonable or prudent to assume that existing trends will suddenly change and demand will plateau at existing levels. Thus, your Committee has amended the first numerated section on page 2 of the resolution and one of the WHEREAS clauses.

The second numerated section on page 2 is primarily a reflection of community concern that the decision making process, regarding the establishment of routes and modes of energy transmission, may not adequately explore alternatives. However, Hawaiian Electric Company must reapply for a Conservation District Use Application approval by the Board of Land and Natural Resources. While this procedure does not require a public hearing, the Board has been very open to the submittal of written comments and, time permitting, oral testimony. A public hearing would be required, under Act 11-76, by the Public Utilities Commission.

If "social costs" and other externalities are not adequately addressed; the alternative which appears least expensive, in a narrow sense, may be substantially more expensive in the broader context. Your Committee believes that this concern is well founded and has amended the resolution accordingly.

Your Committee has contacted the Public Utilities Commission, the Public Utilities Division of the Department of Regulatory Agencies, Hawaiian Electric Company, the Office of Environmental Quality Control, the Department of Land and Natural Resources and several concerned citizens and representatives of the affected communities.

Your Committee concurs with the intent and purpose of H.R. No. 622, H.D. 1, as amended herein, and recommends that it be adopted in the form attached hereto as H.R. No. 622, H.D. 2.

Signed by all members of the Committee except Representative Garcia.