

SCRep. 740-80 Education and Public Employment and Government Operations
on S.B. No. 1942-80

The purposes of this bill are (1) to place the public library system under the direct control of the Board of Education, through its executive officer, the State Librarian; and (2) to place the library advisory commission and the state publications distribution center within the public library system.

At present, the administration of programs related to library services are under the responsibility of the Superintendent of Education, and the State Librarian is under the direction of the Superintendent of Education.

Under this bill, the State Librarian would administer library services for the public library system, while the Superintendent of Education would continue to administer library services for schools.

Your Committees have amended the bill in the following respects:

1. Section 1 of the bill which adds a new section to Chapter 296, Hawaii Revised Statutes, has been deleted. The intent of this section has been incorporated into section 26-12, Hawaii Revised Statutes, by specifying that the State Librarian, under policies established by the Board of Education, shall be responsible for the administration of programs related to public library services. Section 2 of the bill has been amended accordingly.
2. Section 2 of the bill has further been amended by indicating that the State Librarian, under policies established by the Board of Education, shall also be responsible for the administration of transcribing services for the blind.

This responsibility is presently designated to the Superintendent of Education. Your Committees find that transcribing services for the blind is a public service program which serves the general public, and is not restricted to educational programs. The State Librarian should therefore be designated the responsibility of administering this program.
3. Section 2 of the bill has also been amended by having the library advisory commission remain within the Department of Education.
4. Sections 3, 4, 5, 6, 8, 9, and 10 of the bill have been deleted, since your Committees feel that this bill should be enabling legislation only, with details to be worked out by the Department of Education.
5. Section 7 of the bill has been amended by clarifying that the State Librarian shall be appointed by and under the direction of the Board of Education.
6. Section 7 of the bill has also been amended by specifying that the State Librarian shall be responsible for the planning, programing, and budgeting of all community/school and public libraries within the State. The community/school libraries, which provide services to schools as well as to the general public, are headed by public librarians within the public library system. The State Librarian should therefore be designated the responsibility of administering these community/school libraries.
7. The bill, if enacted, shall take effect upon its approval.
8. Sections of the bill have been renumbered accordingly.

Your Committees on Education and on Public Employment and Government Operations are in accord with the intent and purpose of S.B. No. 1942-80, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1942-80, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 741-80 Education on S.B. No. 3119-80

The purpose of this bill is to exempt the adult education special funds of the department of education from assessments for central service expenses and departmental administrative expenses.

The purpose of these assessments is to require all special fund programs to pay for their fair share of administrative overhead costs. These assessments would be proper if the special fund program were totally self supporting. However, the adult education program of the Department of Education is not self supporting and, in fact, is now already supported by State general funds.

It also should be noted that, due to lack of funds, the Department of Education has not paid any of these assessments. The Governor's budget for the next biennium does not include additional general funds to cover the cost of the assessments. If such general funds are not provided, the Department of Education would have to increase tuition charges, thereby working a hardship on students.

The proper remedy for this problem is to exempt adult education special funds from these assessments.

The Department of Education testified in support of the bill.

Your Committee on Education is in accord with the intent and purpose of S.B. No. 3119-80, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 742-80 Education on S.B. No. 1933-80

The purpose of this bill is to provide for the establishment of a two year pilot program to strengthen the existing programs in the Department of Education which identifies and follows potentially troubled students through their school careers.

This pilot program is intended to provide suitable educational and mental health services for potentially troubled students and currently identified troubled students for the purposes of rehabilitation. A progress report shall be prepared by the Department of Education to the Legislature one year after the inception of the program.

The Board of Education testified in support of the bill.

Your Committee has amended the bill by increasing the nominal one dollar appropriation to two dollars, pending a determination of the actual amount required for the program.

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

Your Committee on Education is in accord with the intent and purpose of S.B. No. 1933-80, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1933-80, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 743-80 Energy; and Water, Land Use, Development and Hawaiian Affairs on S.B. No. 2635-80

The purpose of this bill is to provide for the issuance of special purpose revenue bonds to assist industrial enterprises.

Article VII, section 12, of the Constitution of the State of Hawaii, as amended by the Constitutional Convention of 1978, provides that the legislature, by a two-thirds vote of both houses, may enact enabling legislation for the issuance of special purpose revenue bonds separately for each special purpose entity, and by similar vote and by separate legislation, may authorize the State to issue special purpose revenue bonds for each single project or multi-project program of each special purpose entity. Such bonds may be authorized or issued to assist, among other things, manufacturing, processing, or industrial enterprises; however, the legislature must find the issuance of the bonds

to be in the public interest.

Among other things, the bill allows the department of budget and finance to issue special purpose revenue bonds to finance industrial enterprises; requires the State to be reimbursed for all expenses associated with entering into any agreement concerning such bonds for industrial enterprises; provides that any industrial enterprise shall contract with the department to pay sums sufficient to cover the principal and interest on such bonds, to maintain a reserve as required, and to pay all fees and expenses of the State; provides that such bonds shall only be paid from revenues derived from payments made to the department by such industrial enterprise, and that such bonds shall be secured solely by industrial enterprises; provides that such bonds shall not be a general obligation of the State and shall not be secured by the full faith and credit of the State, and that no state revenues or taxes shall be pledged to the payment of such bonds; and provides that such bonds, and the income and interest therefrom, shall be exempt from all state, county, and municipal taxation, except inheritance, transfer, and estate taxes.

The Department of Budget and Finance testified and communicated their concerns with respect to amendments contained in Senate Draft 2, substituting the word "legislature" for the word "governor" on lines 8 and 11 of page 6, and the deletion of paragraph 6 under the section "Department powers as to industrial enterprises" on page 6.

Your Committees agree with testimony submitted by the Department of Budget and Finance that this bill provides the enabling legislation or general law under which the Director of Finance may issue special purpose revenue bonds. The approval of the project agreement and renewal of a project agreement are ministerial duties which the legislature appropriately should assign to the executive branch in implementing the program. Paragraph 6 found in earlier versions of the program gave the Department of Budget and Finance the power ". . . to do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in this part." This provision is also necessary for the Department to implement the program and to issue special purpose revenue bonds. It reaffirms the Department's powers granted to it by the Legislature to accomplish the objectives set forth in the Bill.

Notwithstanding the concerns expressed in Senate Standing Committee Report No. 656-80, the legislature retains absolute control over bond authorizations. This control is established by the State Constitution which requires a separate legislative measure authorizing the issuance of special purpose revenue bonds for each project or multi-project program with the approval of two-thirds of the members to which each house of the Legislature is entitled. This means that no bonds can be issued unless the Legislature specifically identifies and authorizes the specific entity, project and amount of bonds to be issued. This process assures absolute legislative control over projects for which special purpose revenue bonds may be issued.

Your Committees amended this bill by re-inserting the word "governor" for the word "legislature" on lines 8 and 11 of page 6, and have also restated paragraph 6 under the section "Department powers as to industrial enterprises" on page 6 from S.B. No. 2635-80, S.D. 1.

Your Committees on Energy and Water, Land Use, Development and Hawaiian Affairs are in accord with the intent and purpose of S.B. No. 2635-80, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2635-80, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives
Garcia, Holt and Morioka.

SCRep. 744-80

Energy on S.B. No. 2376-80

The purpose of this bill is to provide authorization for the department of budget and finance to issue special purpose revenue bonds for an energy project to assist an electric or gas utility in the local furnishing of electric energy or gas.

Your Committee has amended the bill to include Kauai Electric's proposed non-fossil fuel generation plant installation program. Accordingly your Committee has amended Section 2 of the bill to include Kauai Electric's energy projects and to increase the limit of special purpose revenue bonds the department of budget and finance is authorized to issue to \$156,680,000.

Your Committee amended the bill by adding the word "new" before the word "fossil" at the beginning of line 11 on page 2 of the bill.

Your Committee has also amended the bill by adding a new Section 3 which requires the public utilities commission to annually report to the legislature on the progress of the bonds assistance program. Such a report would include:

- 1) Any reduction in electrical energy rates to the consumer.
- 2) If present electrical energy rates were maintained.
- 3) Any planning and construction of new facilities.

For purposes of consistency, your Committee has relabeled Sections 3 and 4 to Sections 4 and 5.

Your Committee has also made non-substantive technical amendments to the bill.

Your Committee on Energy is in accord with the intent and purpose of S.B. No. 2376-80, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2365-80, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Garcia.

SCRep. 745-80 Energy and Consumer Protection and Commerce on
S.B. No. 1899-80

The purpose of this bill is to reduce the general excise tax assessment on electricity generated from non-fossil, renewable energy sources and sold to public utilities for resale to the public.

Your Committee on Energy and your Committee on Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 1899-80, S.D. 2, and recommend that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committees except Representative Garcia.

SCRep. 746-80 Consumer Protection and Commerce on S.B. No. 2188-80

The purpose of this bill is to amend Section 416-11, Hawaii Revised Statutes, to require an incorporating business to list more specific address information both for it and its initial officers and directors.

Presently, new corporations and their directors and officers are required to list only mailing addresses.

This bill would require that specific street addresses be listed when available or a rural route post office box number be listed if a street address is not available at the location. Your Committee feels that this bill will aid the regulation and administrative functions of the Department of Regulatory Agencies.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2188-80, 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 Representative Lee.

SCRep. 747-80 Health; and Public Assistance and Human Services on
S.B. No. 2665-80

The purpose of this bill is to establish a community based residential treatment system to provide alternatives to institutional settings for mental health patients.

Your Committee on Health previously heard testimony on H.B. No. 2659-80, a companion measure to S.B. No. 2665-80, S.D. 2, and notes that although the bill was reported to Finance Committee on February 26, 1980, standing committee report no. 133-80, there

were no specific programs designated to provide the services for this community based treatment system and the bill was not reported out of the Finance Committee.

The Mental Health Association presented new testimony to your Committees identifying existing gaps and needs in residential treatment programs for the mentally ill and suggesting specific programs with estimated costs to meet these needs.

Your Committees have amended this bill by adding Section 3 to appropriate \$475,000 for fiscal year 1980 and by adding Section 4 to provide for the Department of Health to be the expending agency and include the lapsing provision. This appropriation would permit long-term rehabilitative programs on Oahu and Hawaii and transitional rehabilitative programs on Maui and Kauai.

Your Committees wish to clarify their intent to create a vehicle to emphasize an organized system of mental health services in the community.

Your Committee on Health and your Committee on Public Assistance and Human Services are in accord with the intent and purpose of S.B. No. 2665-80, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2665-80, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 748-80 Transportation on S.B. No. 2232-80

The purpose of this bill is to authorize the Director of Transportation to enforce its rules and regulations governing abandoned vehicles on airport roads, parking lots and other areas of the airport.

Your Committee finds that abandoned vehicles on airport roads, in airport parking lots and other areas of the airport are becoming an increasingly difficult problem. The abandoned vehicles reduce the effective use of parking areas, create serious traffic hazards and are visual nuisances when left at various locations at the airport.

Your Committee has deleted all of Section I and inserted the substance of H.B. No. 2222-80, H.D. 2 in its place. H.B. No. 2222-80, H.D. 2 requires written notice of any vehicle removed from airport property to the registered and legal owner and provides for disposal of vehicles unclaimed at public auction with the proceeds of the sale to be deposited in the airport revenue fund.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 2232-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2232-80, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 749-80 Corrections and Rehabilitation on S.B. No. 2197-80

The purpose of this bill is to amend Section 354-3, Hawaii Revised Statutes, to delete the requirement that purchases of articles and products manufactured by correctional industries be made through the Department of Accounting and General Services. This bill would also abolish the board which grants exceptions under the mandatory provisions of Section 354-3.

Present statute requires that all purchases from correctional industries be made through the Department of Accounting and General Services. Your Committee finds that, in actual practice, the correctional industries receive 80-85 per cent of its work directly from the requesting agencies, printing being the principal product.

Your Committee further finds that the board established under Section 354-4 very rarely granted exceptions from the requirement of Section 354-3. All exceptions are presently made by the correctional industries staff, in availing its products or services directly to the various state agencies. Testimony received by your Committee reveals that the present process seems to be operating in a satisfactory manner. This bill, therefore, would conform the statutes in actual practice.

Your Committee on Corrections and Rehabilitation is in accord with the intent and purpose

of S.B. No. 2197-80, S.D. 1 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Garcia.

SCRep. 750-80 Corrections and Rehabilitation on S.B. No. 2155-80

The purpose of this bill is to place the Intake Service Center and the Intake Service Center Advisory Board under the Department of Social Services and Housing for administrative purposes. The bill also proposes to broaden the representation of the Intake Service Center Advisory Board by including the Chairman of the Hawaii Paroling Authority and by allowing selection of members from the private sector at-large rather than limiting its representation to government and private social service agencies.

Section 6, Article V, Hawaii State Constitution, requires that all boards and commissions be placed within a State department or similar entity. Your Committee finds that the Department of Social Services and Housing is the most suitable agency for the Intake Service Center and the Intake Service Center Advisory Board.

The Intake Service Center Advisory Board, as outlined in Section 353-1.3, Hawaii Revised Statutes, functions as an advisory body and is represented by various government and private criminal justice social service agencies. The addition of the Chairman of the Hawaii Paroling Authority to this Board and the broader participation from the private sector as this bill allows would assure a comprehensive representation of all major components of the criminal justice system and the community.

Your Committee believes, however, that this Board should function as a policy making body for the Intake Service Center rather than as it presently functions in its advisory role. This policy making body, administratively attached to the Department of Social Services and Housing and whose membership is appointed by the Governor, should set policy, direction, and procedures for the operation of the Intake Service Center.

Your Committee has accordingly amended this bill by changing the function of this board from an advisory board into a policy making body for the Intake Service Center.

Due to the change in the function of this board, your Committee has accordingly amended this bill by renaming it the, "Intake Service Center Board".

Your Committee on Corrections and Rehabilitation is in accord with the intent and purpose of S.B. No. 2155-80, S.D. 1, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. 2155-80, S.D.1, H.D.1.

Signed by all members of the Committee except Representative Uechi.

SCRep. 751-80 Energy and Transportation on S.B. No. 1906-80

The purpose of this bill is to provide a tax incentive to encourage the use of gasohol by exempting all the gross proceeds arising from the sale of gasohol by retail dealers from the state excise tax for a period of five years.

Your Committees felt that due to the uncertainty of both the gasoline situation and the acceptance of gasohol, the time period for the exemption should be changed from five years to three years. Accordingly, your Committees have amended the bill to terminate the exemption period on July 1, 1983.

Your Committees on Energy and Transportation are in accord with the intent and purpose of S.B. No. 1906-80, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1906-80, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Garcia and Masutani.

SCRep. 752-80 Energy; Water, Land Use, Development and Hawaiian Affairs;
Agriculture; and Transportation on S.B. No. 2554-80 (Majority)

The purpose of this bill is to stimulate and encourage local alcohol production from

biomass resources in order to produce gasohol.

The bill provides for terminating the Hawaii Self-Sufficiency Fuel Fund effective July 1, 1982. Your Committees agree that a "sunset" provision is valid as the fund is not likely to be needed over a long period of time. However, the termination date of July 1, 1982 is unrealistic in terms of achieving the purpose of the bill. Accordingly, your Committees have amended the bill by extending the sunset provision to July 1, 1985.

Your Committees have also amended the bill by providing that no payments on the outstanding principal of the loan shall be required while the alcohol producer is operating at a cash deficit.

For clarification purposes, your Committees have amended the bill by dropping the last clause of Section -3, subsection (5) so that the subsection reads:

"(5) A marketing plan including reasonable assurances from the gasohol producers that the projected volumes of alcohol can be blended and marketed successfully."

To insure that the producer has used a realistic cost basis for its feedstocks, your Committees have amended the bill by adding a new subsection to Section -3 of the bill.

Your Committees agreed with the Department of Planning and Economic Development that an appropriation be made to the fund. However, your Committees feel that participation from County and Federal agencies in such programs will greatly add to the development of alcohol production in our State. Accordingly, your Committees have amended the bill by appropriating \$6,000,000 into the fund, provided however that the sum appropriated shall be reduced to the extent that other non-state funds are made available for the purposes of the fund.

Your Committees have amended the bill by changing the effective date of the bill to July 1, 1980, so that it coincides with the beginning of the next fiscal year and by dropping the expiration date as a "sunset" provision for the fund has been already provided for in the new chapter.

Your Committees on Energy, Water, Land Use, Development and Hawaiian Affairs, Agriculture and Transportation are in accord with the intent and purpose of S.B. No. 2554-80, S.D.2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2554-80, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives
Garcia and Masutani.
(Representatives Dods, Fukunaga, Hashimoto and Ikeda did not concur.)

SCRep. 753-80 Education on S.B. No. 1934-80 (Majority)

The purpose of this bill is to establish a statewide qualifying examination for high school graduation.

This bill requires the Board of Education to establish minimum standards of competency expected of graduating high school seniors in the areas of reading comprehension, writing ability, mathematical ability, and other essential competencies. This bill further requires the board to establish basic competency high school exams which will evaluate the minimum level of student competency required by the board. Commencing with the graduating class of 1983, a passing score on the basic competency high school exam will be required for graduation, in addition to other requirements.

Your Committee has amended the bill in the following respects:

1. The competency measures shall apply specifically to public education and to public high school students. The reference made to private school students has been deleted.
2. The statutory section which requires the Department of Education to establish standards of competency has been deleted. Your Committee finds that this section is inconsistent with the statutory section which

requires the Board of Education to establish minimum standards of competency.

3. Commencing in 1985, rather than in 1983, high school seniors shall be required to attain a passing score on the competency exam in order to graduate. Technical amendments were made to clarify that individual students, rather than a class of students, must attain a passing score in order to graduate.

Your Committee on Education is in accord with the intent and purpose of S.B. No. 1934-80, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1934-80, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hagino and Marumoto.
(Representatives Kiyabu, Stanley and Toguchi did not concur.)

SCRep. 754-80 Legislative Management

Informing the House that House Resolution Nos. 382 to 390, and Standing Committee Report Nos. 704-80 to 752-80, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 755-80 Public Assistance and Human Services on S.B. No. 2536-80

The purpose of this bill is to permit the State to assist qualified resident aliens and naturalized citizens who desire to return to their homelands for the purpose of establishing permanent residency.

Your Committee finds that many aged, indigent resident aliens and naturalized citizens who are retired and receive public assistance in addition to their pensions are desirous of returning to their homelands. However, in many cases these aged and indigent persons are already experiencing financial difficulties in meeting the rising costs of shelter, food, health, and transportation. Whereas aged, indigent resident aliens and naturalized citizens willing to return to their homelands are likely to find that their income from Social Security or pension benefits is more than sufficient to support themselves and contribute to the economic well-being of an extended family and a village economy.

Your Committee acknowledges that there are hundreds of aged, indigent resident aliens and naturalized citizens who, after working long years for this State and who have contributed immeasurably to its growth and expansion, are now retired and live alone. Many of these people migrated to Hawaii from various parts of the world as immigrant laborers, with no family and very few friends. To provide some measure of assistance to these individuals who now desire to return to the homelands they left many years ago, to be reunited with families, relatives, and friends and be reintegrated into the extended family culture from which they came, would be a tribute to all of the many different immigrant groups who have come to Hawaii over the last few decades and enriched all of our lives by their presence.

While this bill does not contain an appropriation for the implementation and operation of this program, your Committee believes that the necessary funds for this program should be provided in this session's supplemental appropriation budget. However, your Committee cautions that although the State will provide funds for transportation assistance for the aged and indigent resident aliens and naturalized citizens to return to their homelands, such action should not preclude eligible persons from exhausting other avenues of financing for transportation costs.

Your Committee on Public Assistance and Human Services is in accord with the intent and purpose of S.B. No. 2536-80, S.D. 2, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Aki, D. Yamada and Lacy.

SCRep. 756-80 Transportation on H.R. No. 232

The purpose of this resolution is to request the Department of Transportation (DOT) to immediately repair the damage and clear the debris in the boat harbor which was extensively damaged by heavy storm during January.

The DOT testified in support of this resolution and reported that there was an estimated \$93,000 in damages to the boat harbor.

The DOT further testified that bids for this project will be awarded in April and that the project will commence soon afterwards.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 232 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 757-80 Transportation; and Public Assistance and Human Services on
H.R. No. 195

The purpose of this resolution is to allow emergency vehicles to control traffic signals at intersections.

Your Committees find that there are problems experienced by the hearing impaired and deaf community such as the inability to respond to the sirens which signal the approach of emergency vehicles. These problems can be solved by inauguration of a system by which emergency vehicles control traffic signals at intersections. This system will gear them to the visual sense instead of, or in addition to, the sense of hearing.

Your Committees on Transportation and Public Assistance and Human Services concur with the intent and purpose of H.R. No. 195 and recommend it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 758-80 Health; Public Assistance and Human Services; and Youth and
Elderly Affairs on H.R. No. 268

The purpose of this resolution is to request a study to review the components of a comprehensive, statewide long-term care program by an appointed committee during the legislative interim.

Testimony presented by the Department of Health, the Department of Social Services and Housing, the Hawaii Medical Association, and the Health and Community Services Council Long-Term Care Task Force supported this resolution and expressed their cooperation in conducting this study. The Department of Health and the Hawaii Medical Association indicated their willingness to have members serve on the Interim Committee.

In view of the strong support and commitment of these organizations, your Committees feel that this resolution is appropriate to begin to assess the problems of long-term care and to explore some of the critical issues, such as program effectiveness, organizational and administrative structures, levels of care reimbursement, explorations of alternatives to institutional care and other areas affecting the provision of services to the population requiring long-term care.

Your Committee on Health, your Committee on Public Assistance and Human Services and your Committee on Youth and Elderly Affairs concur with the intent and purpose of H.R. No. 268 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees.

SCRep. 759-80 Health on H.R. No. 274

The purpose of this resolution is to study existing laws which govern the accessibility and usability of public buildings and facilities by the physically handicapped.

The Department of Health testified in favor of this resolution and indicated that the

department has conducted a study of its existing facilities and identified a number of barriers in need of correction.

Your Committee shares the concerns of the handicapped, who do not have adequate accessibility to many public buildings throughout the State of Hawaii.

Your Committee heard supportive testimony regarding the timeliness of this resolution. Concerns were expressed that in spite of the existing law, compliance has not been achieved uniformly throughout the State. The Commission on the Handicapped expressed its willingness to work with the Legislative Reference Bureau to address the concerns of this resolution.

Your Committee on Health concurs with the intent and purpose of H.R. No. 274 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 760-80

Health on H.C.R. No. 88

The purpose of this concurrent resolution is to study existing laws which govern the accessibility and usability of public buildings and facilities by the physically handicapped.

The Department of Health testified in favor of this concurrent resolution and indicated that the department has conducted a study of its existing facilities and identified a number of barriers in need of correction.

Your Committee shares the concerns of the handicapped, who do not have adequate accessibility to many public buildings throughout the State of Hawaii.

Your Committee heard supportive testimony regarding the timeliness of this concurrent resolution. Concerns were expressed that in spite of the existing law, compliance has not been achieved uniformly throughout the State. The Commission on the Handicapped expressed its willingness to work with the Legislative Reference Bureau to address the concerns of this concurrent resolution.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 88 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 761-80

Consumer Protection and Commerce on S.B. No. 2097-80

The purpose of this bill is to extend the repeal date of Chapter 439, Hawaii Revised Statutes, relating to Beauty Culture, from December 31, 1980 to December 31, 1986.

Under present law, Chapter 439 is scheduled to be repealed on December 31, 1980 pursuant to the Hawaii Regulatory Licensing Reform Act. This bill would extend the repeal date to December 31, 1986 upon review by the Legislature whose decision will in turn be based on an evaluation by the Legislative Auditor pursuant to legislative mandate, as well as other sources of input.

Your Committee feels that the nature of the practice of cosmetology entails certain health and safety hazards and that the public's best interests are served by the continuing regulation of the competency and proficiency of cosmeticians. Your Committee finds that the use of various chemicals, cosmetics and other substances can impose hazards to consumers. Your Committee has therefore agreed to extend the repeal date of the chapter to the end of 1984 and has amended the bill accordingly.

Your Committee has also addressed a problem which has emerged concerning the work experience requirement for managers of beauty shops.

Present law requires that beauty shops have as their manager an operator who has practiced in the State for at least one year. Your Committee notes that this requirement can cause difficulties for some beauty shops that cannot find a manager with the required experience. Your Committee has also heard testimony from the industry that the requirement should be retained in order to assure that work done by beauty shops is at a standard set by the State licensing agency.

Upon considering the matter, your Committee has decided to retain the requirement but has amended Section 439-17(a), Hawaii Revised Statutes, to allow the Board of Cosmetology flexibility in waiving such requirement when circumstances in their opinion warrant it.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2097-80, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2097-80, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Nakamura.

SCRep. 762-80 Consumer Protection and Commerce on S.B. No. 3131-80

The purpose of this bill is to provide that prior to the furnishing of funeral services, mortuaries shall provide prospective purchasers of funeral services with:

- (1) A copy of the price list of the services and items which the mortuary offers, which list can be a copy of the list which each mortuary is required to file with the Cemetary and Mortuary Board of the State of Hawaii; and
- (2) An itemized estimate of the charges the prospective purchaser will be incurring.

The bill also requires that the purchaser approve and sign the estimate, and that the mortuary authority not charge a price for their services contracted in excess of the agreed upon price.

Your Committee heard testimony that some mortuaries already provide these items to prospective purchasers, and that all mortuaries are required to provide these items if requested to do so. However, by making this disclosure mandatory, the consumer will have a better opportunity to make an informed choice. Your Committee feels that this bill is consistent with the intent of consumer protection laws to prevent potential unfair and deceptive business practices.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 3131-80, 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 except Representative Nakamura.

SCRep. 763-80 Consumer Protection and Commerce on S.B. No. 2093-80

The purpose of this bill is to extend the repeal date of Chapter 438, Hawaii Revised Statutes, relating to the Practice of Barbering, from December 31, 1980 to December 31, 1986.

Under present law, Chapter 438 is scheduled to be repealed on December 31, 1980 pursuant to the Hawaii Regulatory Licensing Reform Act. This bill would extend the repeal date to December 31, 1986 upon review by the Legislature whose decision will in turn be based on an evaluation by the Legislative Auditor pursuant to legislative mandate, as well as other sources of input.

Your Committee feels that the nature of the practice of barbering entails certain safety hazards and that the public's best interests are served by regulation of the competency and proficiency of practicing barbers. Your Committee has therefore agreed to extend the repeal date of the chapter to the end of 1984 and has amended the bill accordingly.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2093-80, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2093-80, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Nakamura.

SCRep. 764-80 Higher Education on S.B. No. 1871-80

The purpose of this bill is to require that certain safety requirements be met before

the Research Corporation of the University of Hawaii or any agents of the corporation charters or uses any research or other ocean-going vessels.

There is no question that safety is paramount in any operation, especially in ocean-going vessel operations. Testimony disclosed that the University of Hawaii is a member of the University National Oceanographic Laboratory System (UNOLS) whose guidelines for safety have been and will continue to be strictly followed.

Your Committee on Higher Education is in accord with the intent and purpose of S.B. No. 1871-80, 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. 765-80 Water, Land Use, Development and Hawaiian Affairs; and
Agriculture on S.B. No. 2208-80

The purpose of this bill is to allow the Board of Land and Natural Resources to directly award leases of public lands by negotiation for periods not to exceed five years.

Under the present statute, the Board of Land and Natural Resources can issue revocable month-to-month permits for the determined use of public lands or sell leases at public auction. S.B. No. 2208-80 would allow leases of public lands by negotiations for periods not to exceed five years and requires the lease rental to be determined by a disinterested appraiser. This bill proposes to fill the gap between the short term revocable permit and an auctioned long-term lease. Further, the Department of Agriculture would be required to establish selection criteria for the lessee in cases where the intended use is agriculture. The bill also adds agricultural processing as an operation for which the disposition of public lands may be by negotiation.

Your Committees have amended this bill by deleting the proposed sub-section (c) to Section 171-59 located on page 4, lines 1 through 10.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture are in accord with the intent and purpose of S.B. No. 2208-80, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2208-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Garcia.

SCRep. 766-80 Finance on S.B. No. 2358-80

The purpose of this bill is to conform HRS sections 40-35 and 4068 to the constitutional requirement that appropriations of general funds be for a specified period.

HRS section 40-35 currently provides that the general fund of the State is liable without any limitation as to time for any deficiency in the litigated claims fund. Similarly, HRS section 40-68 currently provides for the payment without time limitation of warrants drawn upon the state treasury in a prior fiscal period.

The 1978 amendment of Article VII, section 11, of the State Constitution requires that any appropriation which is to be paid from the general fund of the State must be for a specific period of time. Your Committee agrees that the amendments proposed by this bill will change budgetary procedure thereby meeting the constitutional requirement.

Your Committee has amended this bill to correct a spelling error on page 5.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2358-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2358-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 767-80 Legislative Management

Informing the House that House Resolution Nos. 391 to 400, House Concurrent Resolution

Nos. 112 and 113, and Standing Committee Report No. 753-80, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 768-80 Employment Opportunities and Labor Relations on H.R. No. 10

The purpose of this resolution is to request the School of Travel Industry Management, University of Hawaii, and the Hawaii Hotel Association to jointly develop uniform job classifications, descriptions, titles, and qualifications for each occupation or type of job in the visitor industry and to also develop career ladders indicating progressively more responsible levels within each occupation or type of job.

Your Committee finds that very often, the lack of standardized terminology and classification systems leaves as unclear picture of opportunities currently or expected to be available to individuals making job or career decisions.

Your Committee, through testimony submitted by the School of Travel Industry Management, University of Hawaii, recognizes that the problem of synchronizing job classifications and titles was one of the major obstacles encountered in developing the manpower study portion of the State Ten-Year Tourism Plan.

The School of Travel Industry Management also testified that the entire issue of compensation, job satisfaction and motivation, and career development is, in short, a highly complex problem which will require more than the development of uniform job classifications, descriptions, titles, and qualifications for each occupation within the travel industry, although it may be a useful first step.

Your Committee has amended the second "WHEREAS" on page 2 by adopting the recommendation of the Hawaii Hotel Association, so that the subject "WHEREAS" clause reads as follows:

"WHEREAS, with the average annual wage as it is and the possible lack of horizontal and vertical mobility, job satisfaction and motivation may have been lost; and"

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 10, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 10, H.D. 1.

Signed by all members of the Committee except Representative Silva.

SCRep. 769-80 Water, Land Use, Development and Hawaiian Affairs; and Culture and the Arts on H.R. No. 187

The purpose of this resolution is to request the Department of Land and Natural Resources and the Friends of Iolani Palace to jointly submit a report on the management and operation of Iolani Palace, to the House of Representatives prior to the adjournment of the 1980 Regular Session.

The Iolani Palace is the only royal palace in the nation. In view of its cultural and historical significance and through the interest of the public, it would be appropriate for the House of Representatives to review the status of the management and operational procedures.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Culture and the Arts concur with the intent and purpose of H.R. No. 187 and recommends its adoption.

Signed by all members of the Committees except Representative Garcia.

SCRep. 770-80 Water, Land Use, Development and Hawaiian Affairs; and Agriculture on H.R. No. 108

The purpose of this resolution is to request that the Departments of Land and Natural Resources and Agriculture submit reports to the Legislature identifying actions planned and taken with respect to the development and management of agricultural parks.

The resolution requires that these reports be submitted to the Legislature no later than ten days prior to the adjournment of the Regular Session of 1980.

Testimonies received by your Committees concur with the legislative findings that a report, on the progress of efforts to promote the future expansion and to improve the development and management of agricultural parks, is necessary to determine the need for future legislative action to ensure the efficient and effective development and management of agricultural parks.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture concur with the intent and purpose of H.R. No. 108 and recommend its adoption.

Signed by all members of the Committees except Representative Garcia.

SCRep. 771-80 Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 214

The purpose of this resolution is to request the Governor, in consultation with the Board of Land and Natural Resources, to review the extant executive orders covering portions of the Fort Armstrong-Kewalo peninsula and provide for the timely termination of any which hinder the expeditious development of the State Park.

This resolution also requests the Department of the Attorney General to review the Honolulu City and County's action with respect to the executive orders.

Your Committee finds that the development of the State Park has been hampered by the need to use land presently being used by the City and County of Honolulu. However, through the interests of the public and with Honolulu's urgent needs of additional waterfront parks and urban recreational facilities, combined with the fact that the groundbreaking for the State Park was held during October, 1978, your Committee wishes to review its commitment to expediting the development of the State Park.

Your Committee has made an insubstantial amendment to this Resolution by correcting the word "EXECUTIVE" in the title.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 214, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 214, H.D.1.

Signed by all members of the Committee.

SCRep. 772-80 Water, Land Use, Development and Hawaiian Affairs on
H.C.R. No. 68

The purpose of this concurrent resolution is to request the Governor, in consultation with the Board of Land and Natural Resources, to review the extant executive orders covering portions of the Fort Armstrong-Kewalo peninsula and provide for the timely termination of any which hinder the expeditious development of the State Park.

This concurrent resolution also requests the Department of the Attorney General to review the Honolulu City and County's action with respect to the executive orders.

Your Committee finds that the development of the State Park has been hampered by the need to use land presently being used by the City and County of Honolulu. However, through the interests of the public and with Honolulu's urgent needs of additional waterfront parks and urban recreational facilities, combined with the fact that the groundbreaking for the State Park was held during October, 1978, your Committee wishes to review its commitment to expediting the development of the State Park.

Your Committee has made an insubstantial amendment to this Concurrent Resolution by correcting the word "EXECUTIVE" in the title.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 68, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 68, H.D.1.

Signed by all members of the Committee.

SCRep. 773-80 Water, Land Use, Development and Hawaiian Affairs; and
Agriculture on H.R. No. 218

The purpose of this resolution is to request the Speaker of the House of Representatives of the Tenth Legislature of the State of Hawaii to designate the appropriate Committee or Committees of the House of Representatives to conduct hearings concerning land disposition matters involving public auction and lease rental based on percentage of gross proceeds.

Your Committees find that agriculture plays a vital role in Hawaii's economy and that it is the will of Hawaii's people to support the growth and development of agriculture, including diversified agriculture.

Your Committees have amended this resolution requiring the Committee or Committees of the House of Representatives that will be designated by the House Speaker to conduct the hearings during interim.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture concur with the intent and purpose of H.R. No. 218, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 218, H.D. 1.

Signed by all members of the Committees except Representative Garcia.

SCRep. 774-80 Water, Land Use, Development and Hawaiian Affairs on
H.C.R. No. 67

The purpose of this concurrent resolution is to request the President of the United States, to release portions of the Kaneohe Bay Defensive Sea Area not deemed essential to the operation of the military reservation, and the entire Honolulu Defensive Sea Area, to the State of Hawaii.

This concurrent resolution also requests the Department of Land and Natural Resources to identify submerged and fast lands that are controlled under Executive Orders Nos. 8681 and 8987.

This concurrent resolution further resolves that the Department of Attorney General determine which lands, submerged and fast, are of disputed ownership and what legal precedents can be argued to sustain state ownership.

Your Committee has made an amendment to require the Department of Land and Natural Resources and the Department of the Attorney General to report findings to the legislature twenty days prior to the convening of the Regular Session of 1981.

From the testimony received from the Department of Land and Natural Resources, based upon official records and coordination with local federal agencies, the current status of the cited Executive Orders are as follows:

1. Presidential Executive Order No. 8681 (Kaneohe Bay).

This Order is still in effect which covers all of Kaneohe Bay. However, the portion of Kaneohe Bay lying south and west of Coconut Island has been reported excess by the military and available for release to the State.

2. Presidential Executive Order No. 8987 (Honolulu area).

Sand Island (excluding the Coast Guard Base) and all its offshore submerged lands, including the Reef Runway and surrounding area, are all under State ownership based upon federal deeds executed in 1959, 1965, and 1976. The offshore lands along Kewalo, Ala Moana, Waikiki, and Elks Club were also released to the State by Presidential Proclamation in 1929.

The Navy presently is making an audit of the "Honolulu Defensive Area" to determine whether any residual areas exist which were not covered by the previous release actions, and will follow up with such release actions as necessary.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the

intent and purpose of H.C.R. No. 67, as amended, and recommends its adoption in the form attached hereto as H.C.R. No. 67, H.D. 1.

Signed by all members of the Committee.

SCRep. 775-80 Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 163

The purpose of this resolution is to request the Department of Accounting and General Services to provide a report to the House of Representatives of the Tenth Legislature on what facilities can be made available for the Office of Hawaiian Affairs. The aforementioned report will be submitted to the legislature before the election of the Board of Trustees for the Office of Hawaiian Affairs.

Your Committee is in accord with this resolution which acts as a vehicle to secure appropriate facilities for the Office of Hawaiian Affairs. Facilities for said office will be necessary soon after the election of the Board of Trustees.

Testimony received by your Committee from the Department of Accounting and General Services states that presently there are no available offices, but, it is recommended that the Office of Hawaiian Affairs lease office space until such time that DAGS has some office space which may become vacant. It was further recommended that funds to cover their lease should be considered.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 163 and recommends its adoption.

Signed by all members of the Committee except Representative Garcia.

SCRep. 776-80 Agriculture on H.R. No. 219

The purpose of this resolution is to request the Hawaii's Delegation to the Congress of the United States to sponsor and actively support the passage of legislation relating to edible fresh ginger-spice roots, Zingiber Officianale.

Hawaii-grown ginger represents about 10 percent of the ginger consumed in the United States. Most of the other 90 percent is imported from foreign source. The production of ginger last year contributed roughly \$800,000 to the States economy and shows promise of becoming an important segment of our diversified agricultural industry.

In a recent public hearing held by your Committee, testimony was received from a number of sources that have asserted the belief that ginger production in Hawaii can be vastly increased if export markets can be developed outside the State of Hawaii. Testimony presented by the Hawaii Farm Bureau Federation points out the fact that provided, ginger roots were added to the list of commodities in the federal Agricultural Marketing Act of 1937, and a marketing order established, markets outside the continental United States will be available to Hawaii's ginger growers.

In summary, your Committee finds that the success or failure of the potential (Zingiber Officianale Roscoe) edible fresh ginger-spice root industry is entirely dependent on federal legislation enacted to add fresh ginger-spice root to the list of commodities named in Section 600e of the Agricultural Marketing Act of 1937.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 219 and recommends its adoption.

Signed by all members of the Committee except Representative Holt.

SCRep. 777-80 Agriculture on H.R. No. 217

The purpose of this resolution is to request the Governor's Agriculture Coordinating Committee to take such action as is necessary to convene meetings with farmers and farmer organizations, the State Departments of Agriculture and Planning and Economic Development, and the College of Tropical Agriculture and Human Resources of the University of Hawaii towards the creation of a management consultant team to advise and assist new and fledgling agricultural cooperative associations in the State of Hawaii. The resolution further mandates the Governor's Agriculture Coordinating Committee to report

its finding, conclusion and recommendations based on such meetings to the Legislature in its 1981 annual report.

The success or failure of any agricultural cooperative is entirely dependent on the quality and capability of management. Managing a cooperative is the equivalent of running a large publicly-held corporation with many stockholders. The manager or management team must not only have extensive knowledge in sales and marketing, personnel relations, finance, accounting, and production but also the qualities of an entrepreneur.

In a recent public hearing held by your Committee, testimony was received from a number of sources strongly attesting to the need towards the creation of a management consultant team to advise and assist new and fledgling agricultural cooperative associations in the state. Testimony presented by the Department of Planning and Economic Development points out the fact that management consultant team should be available to all agricultural cooperatives at all times, and a monitoring system should be set up to monitor the operation of each cooperative.

Still other testimony received by your Committee clearly documents the need that a state cooperative council might be helpful in providing advisory services in areas of: short and long term planning, yield projections, agricultural economics, accounting and other needs of cooperatives.

In summary, your Committee finds that the success or failure of any agricultural cooperative is entirely dependent on the quality and capability of management.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 217 and recommends its adoption.

Signed by all members of the Committee except Representative Holt.

SCRep. 778-80

Agriculture on H.R. No. 216

The purpose of this resolution is to request the Soil Conservation Service Administrator to carefully reconsider the proposal to phase out the Plant Materials Program and Plant Materials Center under the United State Department of Agriculture, Soil Conservation Service, and maintain program funding at its present level.

Your Committee learned that the Plant Materials Program administered by United States Soil Conservation Service complements and strengthens every soil and water conservation effort in the state. The program supplies technical assistance at no cost to private land owners, organizations, and state and county agencies to help develop specific plants to solve specific conservation problems.

Your Committee finds that the Plant Material Program under its present federal control, emphasizes testing and release of plants for conservation purposes and is the only program in Hawaii accomplishing this specific purpose.

In a recent public hearing held by your Committee, testimony was received from the Lieutenant Governor, and a number of sources, strongly supporting the continuance of the Plant Material Program and Plant Materials Center and at a funding level no less than that authorized for fiscal year 1980.

Your Committee finds that the Soil Conservation Service's Plant Materials Program has close working relationships with many agencies of the state and counties, as well as many of Hawaii's farmers and ranchers. Your Committee further finds that the Plant Materials Program under its present federal control can more adequately concentrate on finding plants specifically adapted to our island ecology. In this manner, the program will continue to function to complement or supplement ongoing research efforts of the various state, county and private organizations.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 216 and recommends its adoption.

Signed by all members of the Committee except Representative Holt.

SCRep. 779-80

Agriculture on H.C.R. No. 69

The purpose of this resolution is to request the Soil Conservation Service Administrator

to carefully reconsider the proposal to phase out the Plant Materials Program and Plant Materials Center under the United States Department of Agriculture, Soil Conservation Service, and maintain program funding at its present level.

Your Committee learned that the Plant Materials Program administered by the United States Soil Conservation Service complements and strengthens every soil and water conservation effort in the State. The program supplies technical assistance at no cost to private land owners, organizations, and state and county agencies to help develop specific plants to solve specific conservation problems.

Your Committee finds that the Plant Materials Program under its present federal control, emphasizes testing and release of plants for conservation purposes and is the only program in Hawaii accomplishing this specific purpose.

In a recent public hearing held by your Committee, testimony was received from the Lieutenant Governor, and a number of sources, strongly supporting the continuance of the Plant Materials Program and Plant Materials Center and at a funding level no less than that authorized for fiscal year 1980.

Your Committee finds that the Soil Conservation Service's Plant Materials Program has close working relationships with many agencies of the State and counties, as well as many of Hawaii's farmer and ranchers. Your Committee further finds that the Plant Materials Program under its present federal control can more adequately concentrate on finding plants specifically adapted to our island ecology. In this manner, the program will continue to function to complement or supplement ongoing research efforts of the various state, county and private organizations.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 69 and recommends its adoption.

Signed by all members of the Committee except Representative Holt.

SCRep. 780-80 Higher Education on H.R. No. 301

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study on external degree programs offered in Hawaii by mainland-based institutions of higher learning.

A University of Hawaii official testified that the concerns expressed in the resolution are shared by responsible universities and colleges served by the Western Association of Schools and Colleges (WASC). WASC is the regional accrediting body which has stated that its standards apply to external degree programs offered outside the home state of the institutions sponsoring them. It is of interest to note that a recent press release of the Executive Director of WASC expressed "grave concern over recent instances of improper awarding of academic credit." The press release further stated that WASC expected its member institutions "to be in full compliance with all the standards for accreditation...."

For the record, the Committee notes that the Committee Chairman has written a personal letter of concern in this matter to both the Executive Director of WASC and the President of the Western Association of Graduate Schools (WAGS).

Your Committee has amended the resolution to correct a technical error. The eighth "WHEREAS" paragraph is deleted since the State Advisory Committee on Degree Granting Institutions was repealed last year.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 301, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 301, H.D. 1.

Signed by all members of the Committee.

SCRep. 781-80 Higher Education on H.R. No. 196

The purpose of this resolution is to examine the status of academic advising services in the College of Arts and Sciences, University of Hawaii at Manoa.

Your Committee finds that a major concern of students is the lack of sufficient academic

advising in the College of Arts and Sciences. The availability of year-round academic services is critical to undergraduates. This service is a necessity and must be readily available to all students.

The resolution has been amended to request the Chancellor of the University of Hawaii at Manoa to examine the status of academic services and report his findings and recommendations to the Legislature. The rationale for this amendment is that the College of Arts and Sciences is under his immediate jurisdiction.

Technical and style amendments were made to the first "BE IT FURTHER RESOLVED" clause for clarification.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 196, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 196, H.D. 1.

Signed by all members of the Committee.

SCRep. 782-80 Higher Education on H.R. No. 115

The purpose of this resolution is to have the University of Hawaii and the Department of Accounting and General Services submit a complete report on the University of Hawaii's facility planning and construction program, with special emphasis on the Business Administration Building problem.

The past several years the University of Hawaii has experienced severe problems relating to the facility planning and construction. In particular, F-Tower of the Business Administration Building has been in disrepair to the extent that it has been declared unsafe for public use and therefore has been closed. Also, defects and deficiencies have been found in other facilities including Porteus Hall, Hale Aloha Dormitories, Hale Noelani Apartments, the new Manoa swimming pool, and in the Phase 2 construction of buildings at Kauai Community College.

It is not clear whether the problems in all cases stem from the lack of prudent monitoring during the planning and construction phase of the projects or whether they are due to faulty construction or materials.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 115 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 783-80 Higher Education on H.R. No. 11

The purpose of this resolution is to provide at the University of Hawaii business courses in the development, ownership, and operation of visitor industry business, including education in franchise ownership and operation and investment counseling.

With the growth of the tourist industry in Hawaii there is a constant demand for people trained in the area of small businesses directly related to the industry. The University of Hawaii now offers business courses relating to this field. However, your Committee feels that greater emphasis should be placed on the areas mentioned above and recommends that course offerings be expanded to meet the needs of the industry.

Technical and style amendments were made to the first "BE IT FURTHER RESOLVED" clause for clarification.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 11, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 11, H.D. 1.

Signed by all members of the Committee.

SCRep. 784-80 Consumer Protection and Commerce on S.B. No. 2081-80

The purpose of this bill is to amend Section 431-538(b), Hawaii Revised Statutes, to increase the maximum rate of interest an insurance carrier may charge on a life

insurance policy loan from six to eight per cent.

Your Committee notes that life insurance policy loans, which policy holders may obtain as a matter of contractual right, are available at interest rates substantially below those currently offered at financial institutions. This interest rate differential has led to instances of policy holders borrowing on their policies and investing the proceeds at higher rates of return. Your Committee heard testimony from the Department of Regulatory Agencies that these loans are rarely repaid and are usually collected from the proceeds of the policy upon maturity. These loans therefore tie up the insurer's funds which could be invested in other areas with a much higher rate of return, thus benefiting other policyholders. Your Committee therefore feels that the present six per cent interest rate has the effect of discriminating against non-borrowing policyholders and that raising the rate should benefit them by reducing policy premium rates and/or increasing dividends paid to policyholders.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. 2081-80, 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
Aki and Garcia.

SCRep. 785-80 Legislative Management

Informing the House that House Resolution Nos. 401 to 412, House Concurrent Resolution Nos. 114 to 116, and Standing Committee Report Nos. 755-80 to 766-80, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 786-80 Youth and Elderly Affairs on H.R. No. 335

The purpose of this resolution is to request the Legislative Reference Bureau to review and assess Hawaii State laws directly affecting families to the end of identifying laws with iniquitous consequences and developing recommendations for eliminating such consequences. A report to the Legislature is required 20 days prior to the 1981 Regular Session.

It is your Committee's understanding that the review would be selective dealing only with laws readily identified as having iniquitous consequences. A comprehensive search and review of the Hawaii Revised Statutes would be impractical and beyond the resources of the Legislative Reference Bureau.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of H.R. No. 335 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 787-80 Public Employment and Government Operations on H.R. No. 34

The purpose of this resolution is to inventory all State and County electronic computer information systems and discern if there is a feasible and desirable legal and economic framework for resource sharing.

Your Committee finds that given the central importance and continued proliferation of such electronic computer information systems that there is a need from a government efficiency standpoint to explore the possibility of such resource sharing to eliminate duplication, utilize excess capacity, and reduce unnecessary government expenditures in this area.

Presently, there is no legal or economic framework to facilitate such resource sharing. There is no apparent inventory of electronic computer information systems to accurately consider such possibilities for resource sharing.

Your Committee has amended the resolution to include an additional "WHEREAS" expressing the timeliness of this endeavor to the planned establishment of remote systems in the counties by the Department of Budget and Finance. Also, amended was the inclusion

of assistance of the Department of the Attorney General to assess legal and legislative issues. Further, amendments include a report to the legislature 20 days prior to the 1981 Legislative Session of the findings and inventory information obtained in the process of the study.

Your Committee has further amended the resolution by changing the title to read: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF THE RESPECTIVE COUNTIES IN UTILIZING THE STATE'S ELECTRONIC COMPUTER SYSTEMS."

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 34, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 34, H.D. 1.

Signed by all members of the Committee.

SCRep. 788-80 Public Employment and Government Operations on H.R. No. 90

The purpose of this resolution is to request the Department of Accounting and General Services to review construction standards of public buildings and report on corrective actions it intends to implement to assure suitable public building facilities.

The planning and construction process of public buildings appear to be fragmentary and inhibit flexibility and innovation. A major problem is the administrative process of decision-making, design formulation and construction specifications and bidding. This process has resulted in leaving us with a few notable building disasters.

Your Committee feels that it would be prudent to review construction standards and take corrective action, if necessary, to assure suitable public building facilities.

The Department of Accounting and General Services testified that it will investigate the concerns expressed, make the assessments and submit a report to the legislature.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of H.R. No. 90 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 789-80 Public Employment and Government Operations on H.C.R. No. 65

The purpose of this resolution is to request the legislature to approve the report submitted by the personnel directors of the State, the Judiciary and counties, including the report published by the Public Employees Compensation Appeals Board.

The report reflects findings and recommendations of the Conference of Personnel Directors and the Public Employees Compensation Appeals Board relative to repricing adjustments for the blue collar and white collar compensation plans for the State of Hawaii, the Judiciary and the counties.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of H.C.R. No. 65 and recommends its referral to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 790-80 Public Employment and Government Operations on H.C.R. No. 18

The purpose of this concurrent resolution is to request the Office of the Legislative Reference Bureau and the Office of the Auditor to establish a total electronic information and communication system which will place the legislative branch on parity with the executive and judicial branches and which will enable the legislative branch to utilize other State information systems.

Your Committee finds that electronic information and communication systems are valuable and important to the legislature in order to carry out its responsibilities and duties, as well as efficient daily operations.

Without adequate internal electronic information systems capability and that of independent access to other such systems in the other branches and those of other States, the ability to fully investigate, comprehend, analyze and anticipate direct and indirect consequences of legislative actions upon the current and future citizens of the State is seriously impaired.

Presently, the administrative and judicial branches have well defined missions and resources to meet their needs and goals. The legislature, through the Legislative Reference Bureau, has attempted to establish some of the fundamental components of such an electronic information and communication system. However, the effort has suffered due to the lack of adequate personnel, resources, independence, and orientation of current total system needs and capabilities.

Your Committee therefore has amended this concurrent resolution to incorporate these concerns and to have the Legislative Reference Bureau work in conjunction with the Legislative Auditor with the cooperation of the Electronic Data Processing Division, Department of Budget and Finance, and information systems managers of other State departments and agencies, to establish a total electronic information and communication system which will place the legislative branch on parity with the executive and judicial branches, and which will enable the legislative branch to utilize other State information systems.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of H.C.R. No. 18, as amended herein, and recommends its referral to the Committee on Finance in the form attached hereto as H.C.R. No. 18, H.D. 1.

Signed by all members of the Committee.

SCRep. 791-80 Public Employment and Government Operations on H.R. No. 36

The purpose of this resolution is to request the Department of Budget and Finance to establish a joint electronic data processing advisory committee comprised of five subcommittees of five members each, which shall meet annually from each of the following categories: (1) State electronic data processing system users; (2) private industry electronic data processing system users; (3) members of the State electronic data processing division; (4) State department heads; and (5) county electronic data processing users.

Your Committee finds that there is a need to improve communication and coordination between the Electronic Data Processing Division and user agencies. Your Committee has amended the purpose of the resolution by establishing a State EDP Committee within the Department of Budget and Finance consisting of personnel from user agencies and the Electronic Data Processing Division of the Department of Budget and Finance.

The Committee will be chaired by the Chief of the EDP Division and membership will be comprised of State EDP members and data processing system users of the executive, legislative, and judicial branches.

Your Committee has also amended the general language of the resolution to more closely reflect the positions and concerns of all parties involved. Further amendments have been made for the establishment of subcommittees within the advisory committee. The establishment of the various subcommittees were left undefined in order to provide greater flexibility in their development.

Your Committee has further amended the resolution by changing the title to read: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO ESTABLISH AN ELECTRONIC DATA PROCESSING (EDP) COMMITTEE."

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 36, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 36, H.D. 1.

Signed by all members of the Committee.

SCRep. 792-80 Public Employment and Government Operations on H.C.R. No. 17

The purpose of this concurrent resolution is to request the Department of Budget and Finance to establish a joint electronic data processing advisory committee comprised of five subcommittees of five members each, which shall meet annually from each of the following categories: (1) State electronic data processing system users; (2)

private industry electronic data processing system users; (3) members of the State electronic data processing division; (4) State department heads; and (5) county electronic data processing users.

Your Committee finds that there is a need to improve communication and coordination between the Electronic Data Processing Division and user agencies. Your Committee has amended the purpose of the concurrent resolution by establishing a State EDP Committee within the Department of Budget and Finance consisting of personnel from user agencies and the Electronic Data Processing Division of the Department of Budget and Finance.

The Committee will be chaired by the Chief of the EDP Division and membership will be comprised of State EDP members and data processing system users of the executive, legislative, and judicial branches.

Your Committee has also amended the general language of the concurrent resolution to more closely reflect the positions and concerns of all parties involved. Further amendments have been made for the establishment of subcommittees within the advisory committee. The establishment of the various subcommittees were left undefined in order to provide greater flexibility in their development.

Your Committee has further amended the concurrent resolution by changing the title to read: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO ESTABLISH AN ELECTRONIC DATA PROCESSING (EDP) COMMITTEE."

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

Signed by all members of the Committee.

SCRep. 793-80

Public Employment and Government Operations on H.R. No. 22

The purpose of this resolution is to request the Comptroller of the Department of Accounting and General Services to establish departmental committees to provide feedback involving building design to the architect involved.

Testimony from the Department of Accounting and General Services indicate that specifically designated liaisons are present practice within the various user agencies with whom coordination of the design and construction of the projects are made. It places no restrictions on what the user agency liaison does to solicit input from groups or individuals within its own agency. It does, however, require that the feedback or input be supported by the user department so that it is not in conflict with its own departmental policies or practice.

Your Committee has therefore amended this resolution to request the various user agencies to activate its liaisons so that it can coordinate the design and construction of the agencies' projects and to request the Department of Accounting and General Services to make additional efforts to promote better feedback involving building design to the architect.

Your Committee has further amended the title of the resolution.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of H.R. No. 22, as amended herein, and recommends its referral to the Committee on Finance in the form attached hereto as H.R. No. 22, H.D. 1.

Signed by all members of the Committee.

SCRep. 794-80

Public Employment and Government Operations on H.C.R. No. 10

The purpose of this concurrent resolution is to request the Comptroller of the Department of Accounting and General Services to establish departmental committees to provide feedback involving building design to the architect involved.

Testimony from the Department of Accounting and General Services indicate that specifically designated liaisons are present practice within the various user agencies with whom coordination of the design and construction of the projects are made. It

places no restrictions on what the user agency liaison does to solicit input from groups or individuals within its own agency. It does, however, require that the feedback or input be supported by the user department so that it is not in conflict with its own departmental policies or practice.

Your Committee has therefore amended this concurrent resolution to request the various user agencies to activate its liaisons so that it can coordinate the design and construction of the agencies' projects and to request the Department of Accounting and General Services to make additional efforts to promote better feedback involving building design to the architect.

Your Committee has further amended the title of the resolution.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of H.C.R. No. 10, as amended herein, and recommends its referral to the Committee on Finance in the form attached hereto as H.C.R. No. 10, H.D. 1.

Signed by all members of the Committee.

SCRep. 795-80 Public Employment and Government Operations on H.R. No. 39

The purpose of this resolution is to request all state and county government departments and offices to institute a program of flex-hours and flex-week for non-critical, non-sensitive jobs resulting in staggered four-day, forty-hour workweeks.

An effective and efficient program for flexing work hours and workweeks will reduce total travel and minimize traffic congestion during travel time, thus reducing the total amount of fuel used and the costs of travel for public employees.

Testimony from the Public Employees Management Associates, Hawaii State Teachers Association, the Chamber of Commerce of Hawaii and the Department of Personnel Services were in favor of the resolution.

The Department of Personnel Services developed and coordinated the implementation of a flexible working hours program for State civil service employees in 1977 from a management perspective. Line managers established flexhour parameters tailored to meet their varying operational requirements. Under a recent attitudinal survey of managers of civil service employees, managers perceive flexhours as having a positive effect in many workplaces and find that flexhours boosts employee morale and productivity and reduces absenteeism and tardiness.

The Chamber of Commerce of Hawaii supports the implementation of a staggered hours plan by encouraging changes in current opening and closing hours a minimum of one-half hour or one-hour either earlier or later. The Chamber of Commerce believes that the Honolulu community, as a whole, should cooperate in implementing a staggered work hours plan to alleviate peak hour traffic. The Chamber encourages active changes in the working hours of employees in the public sector as a significant step which will set the example that private sector employees can follow.

Your Committee has amended the title of the resolution to include private businesses in addition to all State and county government offices to establish a flexible work-hours and flexible workweek program.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of H.R. No. 39, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 39, H.D. 1.

Signed by all members of the Committee.

SCRep. 796-80 Public Employment and Government Operations on H.C.R. No. 14

The purpose of this resolution is to request all state and county government departments and offices to institute a program of flex-hours and flex-week for non-critical, non-sensitive jobs resulting in staggered four-day, forty-hour workweeks.

An effective and efficient program for flexing work hours and workweeks will reduce

total travel and minimize traffic congestion during travel time, thus reducing the total amount of fuel used and the costs of travel for public employees.

Testimony from the Public Employees Management Associates, Hawaii State Teachers Association, the Chamber of Commerce of Hawaii and the Department of Personnel Services were in favor of the resolution.

The Department of Personnel Services developed and coordinated the implementation of a flexible working hours program for State civil service employees in 1977 from a management perspective. Line managers established flexhour parameters tailored to meet their varying operational requirements. Under a recent attitudinal survey of managers of civil service employees, managers perceive flexhours as having a positive effect in many workplaces and find that flexhours boosts employee morale and productivity and reduces absenteeism and tardiness.

The Chamber of Commerce of Hawaii supports the implementation of a staggered hours plan by encouraging changes in current opening and closing hours a minimum of one-half hour or one-hour either earlier or later. The Chamber of Commerce believes that the Honolulu community, as a whole, should cooperate in implementing a staggered work hours plan to alleviate peak hour traffic. The Chamber encourages active changes in the working hours of employees in the public sector as a significant step which will set the example that private sector employees can follow.

Your Committee has amended the title of the resolution to include private businesses in addition to all State and county government offices to establish a flexible work-hours and flexible workweek program.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of H.C.R. No. 14, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 14, H.D. 1.

Signed by all members of the Committee.

SCRep. 797-80

Youth and Elderly Affairs on H.R. No. 334

The purpose of this resolution is to require the Department of Social Services and Housing (DSSH) to convene a meeting or series of meetings of public and private agencies with responsibilities involving child abuse and neglect to determine the need for an interagency coordinating body and, if the need is found to determine means of establishing the body.

Your Committee received testimony from five agencies all in full support of the resolution.

It is a finding of your Committee that the Department of Social Services and Housing is the appropriate convenor of the subject group because of its legal responsibilities (Section 346-14 and Chapter 350, Hawaii Revised Statutes) covering the full range of services for abused, neglected, and potentially abused or neglected children. The Department currently responds to its legal responsibilities largely through its Child Protective Services section. Your Committee shares the concern expressed at the hearing on this resolution that the Child Protective Services section does not command the resources necessary to discharge DSSH's legal responsibilities. Should a coordinating body be created, it would seem an appropriate entity to address this concern.

Your Committee has amended the resolution to (1) add the four County Police Departments to the list of agencies with responsibilities in the field of child abuse and neglect, and (2) to spell out as a first duty of any body created in response to this resolution the identification and prioritization of major needs in the field of child abuse and neglect, the estimated resources required to meet identified needs, and a report of its findings and recommendations for submission to the Governor and the Legislature.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of H.R. No. 334, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 334, H.D. 1.

Signed by all members of the Committee.

SCRep. 798-80 Youth and Elderly Affairs on H.C.R. No. 103

The purpose of this concurrent resolution is to require the Department of Social Services and Housing (DSSH) to convene a meeting or series of meetings of public and private agencies with responsibilities involving child abuse and neglect to determine the need for an interagency coordinating body and, if the need is found to determine means of establishing the body.

Your Committee received testimony from five agencies all in full support of the concurrent resolution.

It is a finding of your Committee that the Department of Social Services and Housing is the appropriate convenor of the subject group because of its legal responsibilities (Section 346-14 and Chapter 350, Hawaii Revised Statutes) covering the full range of services for abused, neglected, and potentially abused or neglected children. The Department currently responds to its legal responsibilities largely through its Child Protective Services section. Your Committee shares the concern expressed at the hearing on this concurrent resolution that the Child Protective Services section does not command the resources necessary to discharge DSSH's legal responsibilities. Should a coordinating body be created, it would seem an appropriate entity to address this concern.

Your Committee has amended the concurrent resolution to (1) add the four County Police Departments to the list of agencies with responsibilities in the field of child abuse and neglect, and (2) to spell out as a first duty of any body created in response to this concurrent resolution the identification and prioritization of major needs in the field of child abuse and neglect, the estimated resources required to meet identified needs, and a report of its findings and recommendations for submission to the Governor and the Legislature.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of H.C.R. No. 103, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 103, H.D. 1.

Signed by all members of the Committee.

SCRep. 799-80 Public Employment and Government Operations on S.C.R. No. 15

The purpose of this concurrent resolution is to request the Department of Budget and Finance to study and establish a centralized copier and copier/duplicator management program. The concurrent resolution also requests the Department of Budget and Finance to review the current process of competitive bidding for copies and copier/duplicators in Hawaii.

Under a centralized copier/duplicator program the responsibilities for duplicating and copying services could be consolidated within a State agency. Developing and enforcing policy in this area would help to keep the operational cost of State government down.

Your Committee has amended the concurrent resolution to request the Department of Budget and Finance, once a centralized copier and duplicating management program has been found feasible, to request an appropriate agency to retain the function of procurement of copiers through a competitive bidding process.

Your Committee has also made non-substantive amendments to the concurrent resolution for clarity and style.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of S.C.R. No. 15, 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. 15, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 800-80 Public Employment and Government Operations on H.R. No. 198

The purpose of this resolution is to request the Department of Accounting and General Services, in cooperation with all State government agencies, to study the feasibility of staggered work hours and their effects on office performance and accessibility to the public.

Authorization for flexible working hours was granted by Executive Memorandum 1977-25, dated September 19, 1977, with details of implementation delineated in Department of Personnel Services Circular No. 77-11 of the same date.

Your Committee has heard favorable response from the Chamber of Commerce of Hawaii and the Hawaii State Teachers Association.

The Department of Personnel Services submitted a report entitled: "FLEXIBLE WORKING HOURS AS A MANAGEMENT TOOL: A Survey of Civil Service Supervisors to Assess the Effects of Flexhours on Management Operations." The results of the study indicated that the flexhours program has been widely implemented and has found much support among managers and supervisors of civil service employees.

Your Committee finds that automobile traffic into and out of Honolulu at peak hours is heavy and that forms of relief need to be studied.

The problem of heavy traffic is compounded by the fact that businesses and government have not seriously considered use of more flexible work hours for employees. Much of the criticism has been pointed toward the public schools and the University of Hawaii. The proposed feasibility study will, hopefully, outline the extent to which public institutions are a part of the problem and will also outline solutions to the general problem.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 198 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 801-80 Public Employment and Government Operations on H.C.R. No. 56

The purpose of this concurrent resolution is to request the Department of Accounting and General Services, in cooperation with all State government agencies, to study the feasibility of staggered work hours and their effects on office performance and accessibility to the public.

Authorization for flexible working hours was granted by Executive Memorandum 1977-25, dated September 19, 1977, with details of implementation delineated in Department of Personnel Services Circular No. 77-11 of the same date.

Your Committee has heard favorable response from the Chamber of Commerce of Hawaii and the Hawaii State Teachers Association.

The Department of Personnel Services submitted a report entitled: "FLEXIBLE WORKING HOURS AS A MANAGEMENT TOOL: A Survey of Civil Service Supervisors to Assess the Effects of Flexhours on Management Operations." The results of the study indicated that the flexhours program has been widely implemented and has found much support among managers and supervisors of civil service employees.

Your Committee finds that automobile traffic into and out of Honolulu at peak hours is heavy and that forms of relief need to be studied.

The problem of heavy traffic is compounded by the fact that businesses and government have not seriously considered use of more flexible work hours for employees. Much of the criticism has been pointed toward the public schools and the University of Hawaii. The proposed feasibility study will, hopefully, outline the extent to which public institutions are a part of the problem and will also outline solutions to the general problem.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.C.R. No. 56 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 802-80 Ecology and Environmental Protection on S.B. No. 2005-80

The purpose of this bill is to allow junkyards that lawfully existed as of May 4, 1966 and were located in an industrial area to be exempted from the requirement for screening from visibility.

Current law requires all junkyards visible from a main traveled way of any federal-aid or state highway to be screened.

The operation of junkyards in industrial zoned areas is compatible with the surrounding land use and is permitted by federal laws.

Your Committee on Ecology and Environmental Protection is in accord with the intent and purpose of S.B. No. 2005-80 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Garcia.

SCRep. 803-80 Consumer Protection and Commerce on S.B. No. 2191-80

The purpose of this bill is to amend various provisions of Chapter 287, Hawaii Revised Statutes, by changing the term "chief of police" to read "Administrator."

Your Committee understands that the City and County of Honolulu and the County of Maui have transferred the administration of the Financial Responsibility law from the Chief of Police to the County Director of Finance. This bill attempts to reflect that administrative change by amending the chapter to conform to the existing situation.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2191-80 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Nakamura.

SCRep. 804-80 Consumer Protection and Commerce on S.B. No. 2070-80

The purpose of this bill is to remove the statutory requirement that no-fault insurers provide written policies to each public assistance recipient obtaining no-fault insurance coverage.

Under existing statutes, the no-fault insurer must issue a copy of a no-fault policy to each certified public assistance recipient who obtains no-fault insurance coverage. This procedure requires much time and effort on the part of the agents servicing these non-revenue accounts. Current regulations require a commission of \$20 per policy for all new business and \$10 for renewals to be paid to the producer of record.

Under the proposed "certificate plan" in this bill, the Department of Social Services and Housing will certify that a recipient meets the eligibility requirements by issuing a Hawaii Joint Underwriting Plan certificate which shall then be deemed a "policy" upon the issuance of a valid no-fault insurance identification card.

This new system obviates the need for a servicing carrier to issue a policy to each insured certified public assistance recipient, and eliminates producer commissions to the servicing agent since the certificate will be processed directly by the service carriers. Substantial savings can be realized by the service carriers, and ultimately, by the driving public, without changes or deletions in current coverages or service.

Your Committee has amended the bill to correct typographical errors.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2070-80, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2070-80, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Aki and Masutani.

SCRep. 805-80 Transportation and Judiciary on S.B. No. 2006-80

The purpose of this bill is to prohibit the parking, placing, erecting, or storing of any structure within any state highway right-of-way except by permit.

According to the Department of Transportation, the Hawaii Revised Statutes does

not address the problem of structures parked or stored, or abandoned within the right-of-way of state highways. This bill would now prohibit such acts and penalize persons found guilty of violating the provision. Testimony was also presented by private construction firms suggesting that firms awarded contracts by the department for the performance of work on state highways be exempted from the application and fee requirement imposed by this bill.

Your Committees are in agreement that Section 264-6, Hawaii Revised Statutes, should be amended to prohibit the unauthorized placement, erection, abandonment, or storage of structures and materials in the right-of-way of state highways. Your Committees have amended this bill by adding a new section 2 which amends Section 264-7, Hawaii Revised Statutes, to provide that the Director of Transportation, or his authorized representative, shall automatically issue the permit required by Sections 264-6, Hawaii Revised Statutes, upon the awarding of any contract by the department which requires any of the activities enumerated in Section 264-6(1) and (2).

For purposes of consistency, your Committees have also amended the bill by renumbering sections 2 and 3 to sections 3 and 4 respectively.

Your Committees on Transportation and Judiciary are in accord with the intent and purpose of S.B. No. 2006-80, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2006-80, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Garcia.

SCRep. 806-80 Judiciary and Transportation on S.B. No. 2007-80

The purpose of this bill is to prohibit vending from vehicles or structures parked or placed within any state highway rights-of-way.

Your Committees find that enacting this bill would enable the Department of Transportation to remove or require the removal of offending vehicles or structures, thereby eliminating the danger or inconvenience to vehicular traffic on state highways.

Your Committees have amended this bill to provide that vehicles or structures so parked or so placed create a hazardous condition, as well as are public nuisances, in order to make the intent of the law clearer with respect to the type of activity prohibited.

Your Committees on Transportation and Judiciary are in accord with the intent and purpose of S.B. No. 2007-80, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2007-80, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Garcia.

SCRep. 807-80 Judiciary on S.B. No. 2581-80

The purpose of this bill is to provide an expeditious return of rented or leased personal property to the owners upon petition to the person retaining said property.

The growth of the rental industry has resulted in the simple, temporary availability of expensive equipment and tools to the consuming public without the unnecessary tie-up of cash.

This bill strives to achieve a fair system of justice, whereby persons engaged in the rental or leasing business can obtain the efficient return of property which has been rented or leased, thereby making the same available for rental or lease to other consumers. Therefore, this bill has created three similar civil remedies differing only in the value of the property the cause of action is directed toward. The first is the civil remedy for personal property worth \$500 or less. The remedy for this category of items is available in the small claims division of the district court. The second level is within the district court for property not exceeding \$5,000 in value. The third remedy rests within the circuit court, where the value of the property exceeds \$5,000.

Common in all three of the causes of action is the remedy of requiring, upon the issuance of an order to show cause, the defendant borrower to return the property to the owner or to produce said property at the hearing on the order to show cause. Under existing

law, the owner has to go through a cumbersome process of filing a claim in circuit court, proving rightful ownership of the property, and executing upon an order issuing from the court for the return of the property.

This bill seeks to simplify the process by creating an inexpensive system for obtaining a judicious and expeditious return of rented or leased personal property.

Your Committee is in agreement with the concept of expediting the process, but feels that to involve the sheriff in the repossession of the property for production at the hearing in the order to show cause is an unnecessary remedy. Therefore, your Committee has amended this bill by allowing for the court the jurisdiction to issue an order to the defendant either to return the property to the petitioner or to produce it at a hearing on the order to show cause, but deleting the provision for the intervention of the sheriff for the return of the property for the purposes of the hearing. Should the defendant disobey the order of the court, then contempt proceedings present the solution.

Your Committee has further amended this bill by deleting the provision creating a criminal offense for failure to return rented or leased personal property. The civil remedies provide adequate relief for the petitioner, and without unnecessary involvement of the criminal justice system.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2581-80, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2581-80, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 808-80 Judiciary on S.B. No. 2071-80 (Majority)

The purpose of this bill is to increase the jurisdictional amount in the small claims division of the district courts from \$600 to \$1,000.

Your Committee is in agreement with the testimony indicating that the \$600 limit on the jurisdiction of the small claims division is no longer a realistic nor a viable one in view of the inflationary trend affecting the State. Most disputes which the small claims division was designed to resolve are now beyond the jurisdiction of the district courts because inflation has driven prices of items which may be at issue beyond said jurisdiction. Your Committee is in agreement with the opinion that the \$1,000 limit would solve the problem by embracing such disputes within the small claims court jurisdiction.

The original intent of the Legislature in the creation of the small claims division within the district courts was to expedite and simplify court procedures for adjudication between parties. These objectives still exist, and the enactment of this bill would satisfy 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. 2071-80, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2071-80, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 809-80 Judiciary on S.B. No. 2156-80

The purpose of this bill is to bring the State's Uniform Controlled Substances Act, Chapter 329, Hawaii Revised Statutes, into conformity with a recent amendment to the Federal Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. Section 881).

Your Committee finds that in 1978, Congress added a section to the Federal Comprehensive Drug Abuse Prevention and Control Act (CDAPCA) to provide for the forfeiture of all moneys, negotiable instruments, securities, and other things of value traceable to any intended or completed exchange for controlled substances in violation of the controlled substances statute in order to allow law enforcement agencies to follow the money or the proceeds traceable to an illegal exchange even if it changes form.

The proposed amendment contained in this bill would add a similar provision to Chapter 329 which is based upon the federal CDAPCA.

Your Committee feels that providing for the forfeiture of things of value traceable to any intended or completed exchange for illegal drugs would enhance the effectiveness of both the federal and state laws to deter, discourage, and if possible, stop the illegal distribution and sale of drugs, by providing a means by which the tremendous profits which support and foster the illegal drug traffic market can be reduced.

However, because the proposed amendment contained in this bill extends and expands the forfeiture section of Chapter 329, which obviously may impact and effect the property rights of individuals, your Committee deems it necessary and desirable to comment on the terms and provisions of this amendment, primarily adopting the comment of the Office of Chief Counsel of the United States Department of Justice on the federal amendment to the CDAPCA.

The bill's amendment to section 329-55(a) provides, in part, for the forfeiture of anything of value furnished, or intended to be furnished, illegally in exchange for controlled substances. More specifically, it refers to three items which your Committee intends to mean as follows:

1. Moneys--officially issued coin or currency of the United States or of any foreign country.
2. Negotiable instruments--documents, containing an unconditional promise to pay a sum of money, which can be legally transferred to another party by endorsement or delivery (e.g., a bank check).
3. Securities--any stocks, bonds, notes, or other evidences of debt or of property.

Moreover, the amendment also provides that if an illegal exchange of drugs actually occurs, the proceeds traceable to such an exchange are seizable and forfeitable. By this provision your Committee means the following:

1. Proceeds--whatever is received when an object is sold, exchanged, or otherwise disposed of, not necessarily money. Here, it is most important to note that it is intended that the term include the ultimate product of an exchange, even if the product changes form, i.e., that even proceeds of proceeds are considered "proceeds".
2. Traceable to such an exchange--while there is no limit on the number of subsequent transactions that can take place, nor the forms the proceeds may assume, a "chain" of transactions must be established and the final proceeds identified with reasonable accuracy to the illegal drug exchange.

Further, your Committee does not intend that the mingling of proceeds with non-proceeds should prevent the seizure and forfeiture of that part of the total which is "proceeds". Too, your Committee wishes to make clear that it is intended that money or property loses its status as proceeds if it is transferred to a bona fide purchaser (BFP), a BFP being an innocent third party who gives something valuable in exchange for the proceeds, and has no knowledge that what he is acquiring is connected to illegal drug trafficking, i.e., that proceeds transferred to a BFP are no longer proceeds, and therefore neither seizable nor forfeitable.

The amendment also provides that all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of Chapter 329 are forfeitable. Your Committee notes that under this "facilitation" provision only moneys, negotiable instruments and securities are forfeitable, i.e., other things of value are not forfeitable. In addition, the mere fact that moneys, negotiable instruments, or securities are possessed by a drug violator does not subject them to forfeiture for facilitation. Your Committee intends that to be forfeitable for facilitation they must have some substantial connection to, or be instrumental in, the commission of a drug law violation.

Finally, with respect to innocent third parties, it is your Committee's intent that property owned by such a party be subject to seizure if it falls within the categories of property forfeitable under this bill's proposed amendment. However, the seizure does not necessarily mean that property will be forfeited, inasmuch as an innocent owner of seized property is protected from forfeiture under this amendment if the State cannot establish his knowledge or consent to the illegal activity that resulted in the seizure. For purposes of this provision your Committee intends that the term "owner"

be broadly construed to mean any person with a recognizable legal or equitable interest in the seized property. However, inasmuch as a person cannot be protected as to what he does not own, an innocent owner is protected only to the extent of his interest in the seized property.

Moreover, in the interests of equity, your Committee has amended this bill so that the burden of proof is placed upon the State to establish by a preponderance of the evidence that (1) the owner knew his property was furnished or was intended to be furnished in exchange for drugs, or (2) the owner knew at the time he acquired the property that it was proceeds of an illegal drug exchange, or (3) the owner knew that his property was used, or intended for use, to facilitate a drug violation, before seizure will be ordered.

In sum, your Committee envisions this bill's proposed amendment working in the following manner: First, inasmuch as forfeiture proceedings are civil, not criminal, in nature, i.e., totally independent of any criminal action that might be brought against the owner or others, the only requirement to start forfeiture proceedings is the existence of probable cause to believe that the property in question is subject to forfeiture. Once such probable cause exists, the property can be seized and proceedings begun wherein the burden shifts to the owner to defend against the forfeiture. While the traditional rule has been that law enforcement officers can seize property pursuant to forfeiture statutes without obtaining a warrant, your Committee finds that the better rule is for such officers to obtain a warrant prior to the seizure, unless such seizure is made incident to an arrest.

Lastly, your Committee feels that under this bill's amendment, "pigeonholing" hopefully will be eliminated from Chapter 329. Under present law, property is forfeitable strictly by its character, e.g., books and records only under section 329-55(a)(5), vehicles under section 329-55 (a)(4), etc. Property not "fitting" squarely into the proper "hole" escapes forfeiture. With this amendment, however, your Committee believes that property may be forfeitable under two or more paragraphs of section 329-55(a) and the problem of property escaping forfeiture by virtue of it not fitting any category will be eliminated.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2156-80, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2156-80, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 810-80

Judiciary on S.B. No. 2744-80

The purpose of this bill is to modify the defense of insanity by requiring that such defense be tried before and decided by the jury or trier of fact.

At present, the law allows an insanity defense to be heard by, and ruled on in the first instance, by the court at a pre-trial hearing. The court can enter a judgment of acquittal on the grounds of "physical or mental disease, disorder or defect excluding responsibility" or, in the alternative, allow such defense to be presented to a jury. This bill removes the possibility of the pre-trial determination on the motion for judgment of acquittal based upon lack of responsibility, and requires that the trier of fact, the court or the jury, shall be presented with all of the evidence of the State's case and with all of the evidence pertaining to the physical or mental disease, disorder or defect which excludes the defendant's responsibility for the crime charged.

Your Committee is in agreement with the amendments to Section 704-408, dealing with the determination of responsibility, which proposes that the defense be presented to the trier of fact during the course of the trial proceedings rather than at the pre-trial stage in the form of a motion.

However, your Committee feels that at the post-commitment or post-conditional release stage, the court should be vested with the authority and jurisdiction to consider factual evidentiary as well as legal bases for the purposes of granting appropriate relief to the defendant. To delete the possibility of examining factual matters precludes the defendant from having claims, other than the issue of physical or mental disease, disorder or defect excluding responsibility, validly considered by the court for the purposes of quashing the indictment or for dismissal, or for such other relief as the court deems appropriate. Therefore, your Committee has amended the bill to have Section 704-407 reflect its original language, for it is eminently reasonable to permit valid objections

to the continuance of a prosecution to be raised by the defendant or on his behalf, and to allow the court to act accordingly.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2744-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2744-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 811-80 Culture and the Arts; and Water, Land Use, Development
and Hawaiian Affairs on S.B. No. 2693-80

The purpose of this bill is to accomplish the following:

- (1) To dissolve the Hawaii Foundation for History and the Humanities and to transfer its functional responsibilities
 - (a) For ethnohistorical and cultural program activities to the State Foundation on Culture and the Arts
 - (b) For the Hawaii historic places review board activities to the Department of Land and Natural Resources;
- (2) To assist the procedures for selection of an executive director for the State Foundation; and
- (3) To specify the minimal information to be included in the State Foundation's annual reports.

Your Committees heard testimony supportive of the intent and purpose of the bill. All the same, a few recommendations for amendment were offered. For one thing, given the dissolution of the Hawaii Foundation, the State Foundation would need legislative guidance in terms of defining and operationalizing programs in the humanities. Your Committees reviewed Section 2 of H.B. No. 2023-80, H.D. 2 and agreed to integrate the definition of "humanities" into Section 1 of S.B. 2693-80, S.D. 2. Also, in reviewing both bills mentioned above, your Committees determined that Section 2 of the Senate bill would be strengthened by adding a few amendments in line with Section 3 of the House bill. The major addition, in this case, is that the State Foundation should cooperate with and assist the Department of Land and Natural Resources and other state agencies in developing and implementing programs relating to historic preservation.

Moreover, your Committees concur that all responsibilities of the Hawaii Foundation must be transferred to the State Foundation. Testimony indicated that the State Foundation can handle this transfer of responsibility, if there is a complementary increase in the staffing. To accommodate this transfer, your Committees have agreed to add Section 5 of H.B. No. 2023-80, H.D. 1 to the Senate bill.

In general, the State Foundation's duties, as stated in the Senate bill, are appropriate. Your Committees, though, noted an extraneous power and duty to develop a six-year program and financial plan. The State Foundation normally develops such a plan in line with the six-year Program Planning and Budgeting (PPB) requirements. It would be unnecessary to re-state such a fact in statute.

Lastly, your Committees reviewed testimony by the Department of Land and Natural Resources regarding the creation of the Hawaii Historic Places Review Board under its jurisdiction. The Senate version did not complete the transfer of all Hawaii Foundation's functional responsibilities, insofar as the Hawaii historic places review board remains part of a vital concatenation of services to the historic preservation program, and should therefore include amendments to the Hawaii Revised Statutes making such a transfer to the Department of Land and Natural Resources. Your Committees saw fit to make this amendment in line with H.B. No. 2022-80, H.D. 1.

Additional testimony from the Department of Land and Natural Resources indicated that the hiring of an executive secretary to the Hawaii Historic Places Review Board was essential and that such an employment should fall under the review board's authority rather than the department's aegis, in order to avoid any conflict of interest.

Your Committees have made all appropriate amendments to the Senate version as

indicated above.

Your Committees on Culture and the Arts and on Water, Land Use, Development, and Hawaiian Affairs are in accord with the intent and purpose of S.B. No. 2693-80, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2693-80, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Garcia and Uechi.

SCRep. 812-80 Finance on S.B. No. 2155-80

The purpose of this bill is to place the Intake Service Center and the Intake Service Center Board under the Department of Social Services and Housing for administrative purposes. The bill changes the present Intake Service Center advisory board into a policy making body. The bill also proposes to broaden the representation of the board by including the Chairman of the Hawaii Paroling Authority and by allowing selection of members from the private sector at-large rather than limiting its representation to government and private social service agencies.

Section 6, Article V, Hawaii State Constitution, requires that all boards and commissions be placed within a State department or similar entity. Your Committee agrees that the Department of Social Services and Housing is the most suitable agency for the Intake Service Center and the Intake Service Center Board.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2155-80, 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. 813-80 Finance on S.B. No. 2512-80

The purpose of this bill is to clarify the requirement that all printing, binding, and stationery work for the State and counties be performed within the State and to provide a penalty for manufacturers who do not abide by the terms of bids or contracts which stipulate that all such work be performed within the State.

Under current law, all printing, binding, and stationery work for the State and its political subdivisions is required to be performed within the State, except where such work cannot be performed within the State or would cost fifteen per cent more than the price charged by a mainland manufacturer.

This bill adds language to the law which makes it clear that the word "work" as used in the law, includes all preparatory work, presswork, bindery work and any other related work.

The bill further adds a provision subjecting any manufacturer who violates the requirement that all work be done in the State to a civil penalty in an amount not to exceed the bid or contract price.

Your Committee has made technical, non-substantive amendments to the bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2512-80, 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. 2512-80, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 814-80 Finance on S.B. No. 2557-80

The purpose of this bill is to increase from \$125,000,000 to \$225,000,000 the principal amount of revenue bonds which may be issued by the Hawaii Housing Authority for housing loan programs as established by Act 50, Session Laws of Hawaii 1979.

The purpose of the bill has been broadened to amend the Hula Mae loan program eligibility requirements.

The current shortage of affordable, long-term conventional home mortgage financing will cause a greater number of potential home buyers to seek other sources of long-term financing, such as the State of Hawaii's "Hula Mae" program. Your Committee agrees that the principal amount of the revenue bonds which may be issued by the Hawaii Housing Authority for the Hula Mae program should be increased from \$125 million to \$225 million to permit a greater number of qualified persons to participate in this program.

Due to the rising sale prices of homes and the relatively small increase of incomes experienced in Hawaii, your Committee finds that the Hula Mae "target group" is contracting while Hawaii's housing "gap group" is expanding in absolute numbers. The expansion of the "gap group" is perhaps best reflected by Multiple Listing Service figures which show a 30 percent increase in home sale prices between 1979 and 1980, while median family income increased only 3.5 percent during the same period. The net result has been that more Hawaii residents are being priced out of the housing market thus increasing the number of families in the "gap group". However, the program is prevented from expanding to assist these families because of the current statutory income limits and restrictive income adjustment factors currently employed by the Hawaii Housing Authority. Accordingly, your Committee agrees that present statutory income limits should be adjusted upwards, from 115 to 125 percent of the median family income in the State as most recently published by the United States Department of Health, Education and Welfare (HEW). This statutory amendment is necessary to ensure that the program's benefits, below market interest rate mortgage loans, are provided to as many eligible Hawaii residents as possible.

Your Committee also recognizes that the Hula Mae loan program eligibility requirements should be expanded so that a greater number of Hawaii residents can participate in this program. Presently, a person who owns vacant, residential land is ineligible to qualify for a Hula Mae loan to finance the construction of a dwelling unit on that land. Your Committee feels that ownership of such land should not prohibit an applicant from qualifying for a Hula Mae loan. Your Committee also agrees that an applicant with less than one-half interest in real property which is not his place of residence and which is located in Hawaii should also be eligible to participate in the Hula Mae program.

Presently, the Hula Mae program permits persons who do not own residential property in Hawaii but have interest in residential property outside of Hawaii to participate in this program. Your Committee believes that the intent of the Hula Mae program was to assist qualified Hawaii residents seeking homeownership. Accordingly, your Committee is in agreement with the requirement prohibiting persons with any interest in residential property outside of Hawaii from participating in the Hula Mae program.

Your Committee has noted the recommendations and concerns expressed in House Standing Committee Report No. 724-80.

Your Committee has amended this bill to correct minor style errors.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2557-80, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2557-80, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 815-80

Finance on S.B. No. 209 (Majority)

The purpose of this bill is to limit no-fault insurance for public assistance recipients.

This bill would provide insurance for only one vehicle per welfare unit unless the department of social services and housing deems that another vehicle is necessary for medical or employment purposes.

Present law places no restrictions on the number of vehicles which may be insured.

Your Committee is in accord with the intent of this bill to impose limits on the availability of free motor vehicle insurance consistent with the policy of public assistance.

According to a survey taken by the Department of Regulatory Agencies, the vast

majority of welfare units with vehicles insured under public assistance are in compliance with the bill and there is little evidence of abuse. Your Committee feels that the limitation provided will better conform the law to the intent of public assistance programs.

Your Committee has amended the bill by deleting the requirement that a vehicle to be insured cannot be less than two years old. Your Committee has also made minor technical style changes.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 209, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 209, S.D. 2, H.D. 2.

Signed by all members of the Committee.
(Representatives Fukunaga and Takitani did not concur.)

SCRep. 816-80 Finance on S.B. No. 1944-80

The purpose of this bill is to clarify the powers of judicial security personnel by adding a new section to Chapter 601, Hawaii Revised Statutes.

Under current law there is no provision which expressly sets forth the powers of judicial security personnel.

Your Committee agrees that this bill is necessary to clarify the powers of security personnel who are employed by the Judiciary. This bill specifically grants the power of arrest to security personnel. However, no pension or retirement benefits which accrue to police officers are granted hereunder.

Your Committee has completely rewritten this bill with the intent of limiting the grant of powers to the power of arrest.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1944-80, 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. 1944-80, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 817-80 Finance on S.B. No. 2869-80 (Majority)

The purpose of this bill is to include within the same budgetary procedure currently being used for payment of witness expenses the expenses for the return of criminal defendants to a judicial circuit, or a petitioner in a post-conviction proceeding when mandated by court order or bench warrant.

Under present practice, some expenses relating to defendants are processed through the courts. This bill proposes to alleviate the financial burden presently imposed upon the courts and have the State bear all costs of the procedure for obtaining the appearance of a criminal defendant, as well as the appearance of a locally convicted prisoner who is imprisoned outside of the jurisdiction, and who has filed for post-conviction relief within this jurisdiction. This bill further provides that expenses chargeable to the State are for witnesses who are subpoenaed by, and defendants and post-conviction petitioners who are summoned for or required by public prosecutors, county attorneys, and public defenders.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2869-80, S.D. 3, H.D. 1, and recommends that it pass Third Reading.

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

SCRep. 818-80 Finance on S.B. No. 2232-80

The purpose of this bill is to authorize the Director of Transportation to enforce rules and regulations governing abandoned vehicles on airport roads, parking lots and other areas of the airport.

Your Committee finds that abandoned vehicles on airport roads, in airport parking lots and other areas of the airport are becoming an increasingly difficult problem. The abandoned vehicles reduce the effective use of parking areas, create serious traffic hazards and are visual nuisances when left at various locations at the airport.

This bill requires written notice of any vehicle removed from airport property to the registered and legal owner and provides for disposal of unclaimed vehicles at public auction with the proceeds of the sale to be deposited in the airport revenue fund.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2232-80, S.D. 1, H.D. 1 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 819-80 Finance on S.B. No. 2277-80

The purpose of this bill is to make approved credit cards acceptable instead of cash, in payment of all court charges.

Present law does not provide for the payment of court charges, e.g., fines or bail, with a credit card. This bill would allow the payment of such sums to be made with credit cards approved by the court.

Inasmuch as credit cards are presently being used with greater and greater frequency and are, in fact, gradually replacing cash as the payment medium in today's complex, computer-oriented society, it would be logical to allow court charges to be paid by the use of credit. Your Committee agrees that allowing the use of credit cards would be beneficial to defendants and other affected persons by giving them an alternative means of paying, while at the same time enabling the courts to become more efficient and effective in collecting sums assessed.

Your Committee has amended this bill to correct errors in style and spelling, and to correct the Ramseyer section.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2277-80, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2277-80, H.D. 2.

Signed by all members of the Committee.

SCRep. 820-80 Finance on S.B. No. 2302-80

The purpose of this bill is to establish a temporary commission to study and review Hawaii's workers' compensation law and to prepare a report of findings and recommendations in consonance with the basic objectives of workers' compensation law, with a special emphasis on ways of reducing or stabilizing costs while maintaining benefits at existing levels, or ideally, providing increased benefits or reduced employer costs. The commission will submit a preliminary report to the governor and the legislature prior to the 1981 legislative session, and a final report, within ten days after the convening of the 1982 legislative session. This bill provides that the commission shall cease to exist ninety days after the submission of its final report.

This bill provides for a commission of nine members. Six commission members are to be appointed by the governor. With regard to the labor sector, one member shall represent Hawaii's public employee unions, one member shall represent Hawaii's non-public construction employee unions, and one member shall represent Hawaii's non-public general trades employee unions.

Your Committee has amended this bill to appropriate \$200,000 for the two-year study and the operations of the commission including the hiring of staff.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2302-80, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2302-80, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 821-80 Finance on S.B. No. 2292-80 (Majority)

The purpose of this bill is to amend HRS Chapter 339 by removing the prohibition on the sale of beverages in plastic containers, and to provide for a litter pickup program.

The First Circuit Court, State of Hawaii, September 13, 1979, in the case of JUICE TREE HAWAII, INC. vs. GEORGE YUEN, Civil No. 58218, held that HRS, Section 339-7 (b) is invalid, void and unenforceable because it was in violation of the Constitution of the State of Hawaii and the Constitution of the United States. This bill in its original form is a housekeeping measure to conform the chapter to the ruling.

This bill also provides a formula for the allocation to the counties of moneys appropriated by the Legislature for the sole purpose of direct litter pickup. This formula determining county allocation is based on a weighted percentage figure comprised of each county's proportion of the State's population, miles of road, acres of public park area, and miles of beach. The rationale for weighting the percentage figures is to place emphasis on those areas contributing most to litter proliferation, while simultaneously insuring that each county receives an amount adequate for its needs.

This bill also appropriates \$1.1 million for litter pickup. These funds are to be used by each county to contract for direct litter pickup labor, which may include persons hired from labor programs of the Department of Social Services and Housing or other State unemployment programs as labor is available, and supervision of such labor through either its own county agencies or private contractors; provided that not less than 25% of the total amount distributed to each county shall be expended during the months of June, July and August to employ youths between fifteen and eighteen years of age.

Your Committee has amended this bill to make numerous technical and style corrections.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2292-80, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2292-80, S.D. 1, H.D. 2 and be placed on the calendar for Third Reading.

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

SCRep. 822-80 Finance on S.B. No. 2977-80

The purpose of this bill is to amend sections of Chapter 77 to delete the existing wage and salary schedules covering blue-collar and white-collar workers; to establish the salary and wage schedules of such workers through the collective bargaining process; and to establish compensation plans for managerial white-collar positions by action of the chief executives of the State and counties and the Chief Justice of the Supreme Court, subject to the provisions of Chapter 89C.

Your Committee finds that present pay schedules established in Chapter 77 are obsolete in that the real wage and salary schedules are now established through the collective bargaining process. Furthermore, in an effort to accommodate the existing system to the needs of the bargaining table, the number of steps within the negotiated salary ranges has increased greatly adding to the complexity and administration of these and other pay plans in the State.

Providing for the establishment of wage or salary schedules through the bargaining unit negotiating process will allow the creation of schedules more clearly suited to the particular unit or units concerned and provide, if properly established and administered, incentives for up-grading personnel skills and qualifications.

Concerns of the excluded "managerial" white-collar officers or employees are addressed through provisions authorizing the Governor and other executive heads of government to establish appropriate pay structures, and to adjust compensation under the provisions of Chapter 89C.

Your Committee has made technical, non-substantive amendments to the bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2977-80, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2977-80, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 823-80 Finance on S.B. No. 2665-80

The purpose of this bill is to establish a community based residential treatment system to provide alternatives to institutional settings for mental health patients.

This bill authorizes the development of a community residential mental health program which will provide a range of services as alternatives to institutional care.

An appropriation of \$475,000 is authorized for the purposes of this bill.

Your Committee has amended this bill to clarify the fiscal period for which the appropriation is made.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2665-80, S.D. 2, H.D. 1, as amended herein and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2665-80, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 824-80 Judiciary on S.B. No. 1161 (Majority)

The purpose of this bill is to provide statutory guidelines for the awarding of attorney's fees to the prevailing party who has been victimized by a suit brought or defended in a frivolous and harassing manner.

Present law does not provide for attorney's fees to be awarded in civil actions to prevailing parties who have been sued or who have sued and have had a defendant defend such suit in a frivolous and harassing manner. This bill would provide for the award of such fees and sets out the criteria and procedures by which the award is to be made and limits the same so as not to exceed the money award of the case involved.

Your Committee feels that attorney's fees should be awarded under certain circumstances to plaintiffs or defendants in order to prevent or minimize the increasing abuse of the judicial system of recent times whereby parties proceed in bad faith, acting frivolously, capriciously, or maliciously, oft times causing the victims of such abuse to suffer irreparable loss of time and money.

However, your Committee is of the opinion that as presently drafted, this bill has some serious shortcomings inasmuch as it links the award of attorney's fees to the "prevailing" party. Your Committee believes that such a criterion is too nebulous and ambiguous in that more often than not either neither party really prevails, i.e., some compromise judgment is rendered, or the party in whose favor the judgment runs, obtained such judgment due to some technicality and not the merit of his cause of action or defense.

Accordingly, your Committee has amended this bill to give the Court the discretion to award attorney's fees if it feels such an award would be in the interest of justice, thus allowing the Court to take into consideration the actions of the parties and the equity and fairness of making such an award, notwithstanding who in fact "prevailed".

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1161, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1161, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 825-80 Judiciary on S.B. No. 1832-80

The purpose of this bill is to allow prosecutors in the career criminal units to decide whether or not an individual should be the subject of career criminal prosecution.

Your Committee feels that this amendment is of import, for according to the present law, if a career criminal unit is unable to prosecute a person who fits the criteria under the career criminal guidelines because of a lack of sufficient resources or due to an overload of cases, a regular deputy prosecuting attorney cannot be assigned to the task.

Your Committee feels that flexibility is necessary for the efficient and expeditious

prosecution of those who can be categorized as career criminals. If prosecution of those falling within the parameters of the guidelines set forth remains discretionary with the career criminal units of each of the counties, each unit can proceed according to priorities without being bound by language mandating action.

Because flexibility and discretion are to be the cornerstones in career criminal prosecution, however, your Committee does not see fit to mandate prosecution by providing for such in the event that an individual fits any three or more of the enumerated categories. Accordingly, your Committee has deleted such provision from this bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1832-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1832-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 826-80

Judiciary on S.B. No. 2419-80

The purposes of this bill are to define the term "joint custody" as it applies to a minor child or children; to permit the family court to award joint custody of a minor child or children upon the application of either parent, where both parents agree to such an award and where joint custody is determined by the court and to be in the best interests of the minor child or children; to authorize a modification or termination of joint custody; and to authorize the family court, subject to the jurisdictional requirements of section 583-3, Hawaii Revised Statutes, to modify any order for the custody of a minor child or children to an order of joint custody.

Present law does not explicitly mention or recognize joint custody as an option in custody orders.

Your Committee feels that joint custody is a viable option of custody orders and may well be a solution which represents a child's best interests as well as the interests and wishes of the child's parents.

Your Committee finds that a parent or parents seeking an award of joint custody should be met with neither a presumption for or against the award being sought.

Your Committee has amended this bill by amending Section 571-46, pertaining to criteria and procedure in awarding custody, by providing that the court in awarding custody of a minor child may award such custody to either or both parents according to the best interests of the child.

Your Committee feels that the inclusion of this provision will aid in clarifying the court's guidelines for awarding child custody and will accommodate the purposes and intent of this bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2419-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. 2419-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 827-80

Judiciary on S.B. No. 2741-80

The purpose of this bill is to provide that defendants not fit to proceed to trial due to physical or mental disease, disorder or defect shall be held at an appropriate institution for as long as that person's unfitness shall endure, or for a period of time not longer than the maximum possible sentence which could be imposed for the most serious charge against the defendant upon conviction. This bill provides that a determination of fitness to proceed shall be made by the State hospital staff every ninety days. If the Director of Health determines that the defendant is fit to proceed, he shall petition the court for a hearing to make such determination.

This bill further provides that if the defendant has been held for the maximum period, the court shall dismiss the charge against him and either discharge him or subject him to civil commitment proceedings. If the defendant has been held for a period of

time shorter than the allowable maximum, he will be brought back to court to be tried for the initial offense; and if convicted, will be credited for time served in the State hospital against any sentence imposed upon conviction.

At present, the law on fitness to proceed allows the court the discretion to either hold or release the defendant following examination and determination of unfitness to proceed. Your Committee believes that such discretion on the part of the court is necessary, as there are cases in which injustice would result from mandatory institutionalization. Requiring institutionalization in a secured unit to the exclusion of other, more appropriate alternatives presumes the defendant's guilt, which is contrary to the tenet in American jurisprudence that a person is presumed innocent until proven guilty.

Your Committee feels, that mandatory detention following a finding of unfitness to proceed for a period of time which may equal the maximum time to which the defendant could be sentenced if he were convicted of the most serious offense against him in a "secured unit" in the State hospital is tantamount to incarceration. Your Committee agrees that commitment for the purposes of detention, care, and treatment may be necessary; however, such commitment should be in an institution which will provide the least restrictive type of confinement necessary for each individual defendant. If the defendant has not been charged with a violent crime, detention in a secured unit may be too restrictive. And because such detention is pre-trial and pre-conviction, your Committee is hesitant to impose an unduly harsh consequence upon those who are not fit to proceed. Accordingly, your Committee has amended this bill to reflect the existing language of the statute, which provides for placement in "an appropriate institution" or for conditional release.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2741-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2741-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 828-80

Consumer Protection and Commerce on S.B. No. 1960-80

The purpose of this bill is to permit the reduction of mandatory no-fault benefits provided to motorcyclists and to further allow premium discounts for helmet use, approved mufflers and completion of certified safe driving courses.

Your Committee heard testimony from various persons and organizations who delivered conflicting opinions on the merits of the proposed bill. Additionally, your Committee heard testimony from the Department of Regulatory Agencies which is charged with the responsibility of regulating and overseeing the functioning of the no-fault program. Statistics show that for the period of January 1, 1975 through June 30, 1979, insurance carriers collected about \$4.85 million in motorcycle insurance premiums and paid out about \$4.8 million for claims. This does not include commissions, expenses, taxes and other costs. Your Committee agrees with the concern of the Department of Regulatory Agencies of how the amount of motorcycle losses will be absorbed if the exemptions and discounts proposed by this bill are implemented. Your Committee feels that this cost will be redistributed among other no-fault subscribers, in effect creating a subsidy for motorcyclists.

Your Committee notes that testimony was also given by the insurance industry indicating that a 10% reduction in premium rates is agreeable upon completion of a safe driving course approved by the Motor Vehicle Insurance Commissioner. Your Committee feels that under the prevailing circumstances and without compelling arguments and data to the contrary, this course of action is the most reasonable from the standpoint of the public at large, and has amended the bill accordingly.

Your Committee has also deleted subsection (m) in accordance with Act 147 of 1979 and has renumbered the new subsection (n) as (m).

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1960-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. 1960-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Dods, Masutani and Medeiros.

SCRep. 829-80 Finance on S.B. No. 3

The purpose of this bill is to make appropriations for capital improvement projects and to authorize the issuance of bonds.

Your Committee has amended this bill to provide appropriations for specific capital improvements throughout the state. It is your Committee's belief that capital improvements initiated by individual legislators are an important reflection of concerns and priorities which may be unique to a particular area. The individual legislator is often the closest and most accessible link between the general public and the state government. Consequently, legislators are made acutely aware of problems or concerns which affect their respective districts. Your Committee agrees that capital improvements initiated by individual legislators represent a viable means to address those problems and concerns.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 3, S.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3, S.D. 3, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 830-80 Judiciary; Corrections and Rehabilitation; and Finance on
S.B. No. 1851-80 (Majority)

The purpose of this bill is to reform the juvenile justice system in a multitude of ways. It creates a juvenile justice interagency board whose function is to coordinate the juvenile justice system; amends the purpose of the Family Court Act; defines standards for the detention of juveniles; creates a system of juvenile intake agencies to handle juveniles referred to the family courts; defines status offenders; amends the jurisdiction of the family courts over status offenders by including curfew violators; provides for the automatic waiver of family court jurisdiction to the circuit courts for juveniles under specified circumstances; extends family court jurisdiction over certain persons; defines determinative factors governing waiver of jurisdiction; provides additional authority to the family courts for ordering restitution, community services, and confinement of juveniles as a condition of probation; amends the chapter dealing with the youth correctional facility to provide for multiple facilities; requires gubernatorial approval of rule-making power; provides for staff training and standards; provides for segregation of committed persons by severity of the offense, and other factors; provides for education, training, and release programs; provides for release from the facilities by furlough, parole, and discharge; authorizes the Director of Social Services and Housing, in cases of retention of jurisdiction, to hold a person at the youth correctional facility until the age of 19 and to thereafter place said person on juvenile parole until the age of 22; creates a community services section to coordinate placement of persons; creates an office of juvenile parole; provides for retaking into custody and detention of persons for violations of terms and conditions of parole, furlough and attempted escape; and clarifies the circumstances under which the Director of Social Services may terminate the right of supervision over persons committed to youth correctional facilities.

Your Committees considered testimony from various groups and individuals, many of whom were in favor of the intent of this bill, and many of whom favored certain provisions, as being indicative of a sincere attempt to improve the ability of agencies involved in the juvenile justice process to deal with juvenile offenders.

The major objections were directed at the newly proposed section 571-22.1, which provides for automatic waiver of jurisdiction by the family courts over juveniles in certain specified circumstances, and at the amendment to section 571-13, relating to the retention of jurisdiction over certain persons.

In addition, your Committees received testimony indicating that it would be difficult to implement newly-created sections 571-31.2 through 51-31.6, which deal with the establishment of juvenile intake agencies, unless a reasonable planning period is provided.

Your Committees have adopted the recommendations made by the people and groups testifying, and have therefore amended this bill in the following fashion:

(1) Section 571-1: The present language is restored, and the newly-added language is deleted. This amendment is considered to be in conformity with the purposes and goals of the family court.

(2) Section -1 Juvenile justice interagency board: Your Committees have amended the proposed language which creates the juvenile justice interagency board. The revision makes the Director of Social Services, the Superintendent of Education, and the Public Defender exempt from confirmation by the Senate, as there are no alternates to these positions should rejection by the Senate result. Making the three positions ex-officio should not hamper the activities of the proposed board, as it has no executive power but is primarily a coordinating entity and would rely upon the principal roles of its members in the juvenile justice process.

(3) Section 571-2: Your Committees has amended the definition of detention to exclude holding for protective supervision.

(4) Section 571-31(a): Your Committees have amended this section by inserting the phrase "by any police or court officer", to clarify that either officer may take the child into custody for violation of probation; and by deleting the phrase "protective supervision" as a basis for taking into custody, as it is inconsistent with protective supervision not being a status offense.

(5) Section 571-31.1: Your Committees have amended this section by deletion of the words "immediate", "urgent", "substantial", and "frequent" as being difficult to apply.

(6) Section 571-32(f): Your Committees have made revisions in order to update the terms used in specifying the facilities where adults are detained.

(7) Section 571-2: Your Committees have amended this section by revising it to reflect amendments made in section 471-11(2) redesignating sections.

(8) Section 571-31.2: The word "crisis" is deleted because not all families would require crisis counseling. The effective date for this provision is made not later than July 1, 1981.

(9) Section 571-11: This section has been amended by adding a new section (F) to differentiate between the youth who is truant from school on his own accord, making such truancy a status offense, and those not in school because of parental or agency neglect.

(10) Section 571-22.1: Your Committees have deleted this provision for automatic waiver of jurisdiction. If the intent of this section is to punish or deal more harshly with youths who repeatedly commit felonies, it may not have such an intended result, as the circuit courts have access to similar resources as the family courts. It should be noted that "hijacking", a common juvenile offense, and possession of drugs (i.e., marijuana) are class B and C felonies. This section would have youths charged as adults for these types of offenses. In addition, paragraph (b), which gives the circuit court 30 days in which to have the family court recall a case, may prove to be confusing in its operation.

(11) Paragraph 3 has been renumbered 2 because of the deletion of section 571-22.1.

(12) Section 571-13: Your Committees have deleted this section and replaced it with a new section entitled "Assertion of Jurisdiction". This new section removes an ambiguity in the old law. This revision would clearly indicate that the family court retains jurisdiction to hold a hearing and impose an order of commitment or probation until the age of 19, over a person who commits what would be a crime when he is not yet 18, but who has passed that age before a hearing can be held. In addition, it deletes the extension of jurisdiction to family court to age 22 for persons who commit an offense before they attain the age of 18, and who have not been waived. The cases in which the family court might wish to retain extended jurisdiction would be serious offenses for which the family court can waive jurisdiction. For other offenses, a term longer than required for worthwhile re-education and rehabilitative efforts would serve no purpose other than punishment.

Moreover, the provision as unamended create some real administrative difficulty. If the family court retains jurisdiction until the age of 22, but can only hold the individual until the age of 19 at the youth correctional facility, there is little in the way of sanctions which it may exercise against a person who commits parole or probation violations not constituting a crime.

(13) Section 571-21: The words "or referee" are deleted. This is an error

carried over from the old statutes.

(14) Section 571-22: Your Committees have revised this section by deleting the words "determinative", "to the community", and by deleting subparagraph (b)(4) and adding subparagraph (b)(8). These changes add to the practical applicability of the section.

(15) Section 571-22(e): Reference to section 571-22.1 has been deleted, as that entire section has itself been deleted.

(16) Section 571-48(1)(A): This section has been amended by deleting use of commitment to the youth correctional facility as a condition of probation for a period not to exceed one year. At present, the court's policy limits placement of youths at the facility for "short-term" periods of 30 days or less. This is a recent policy, and the bill's proposed language would unnecessarily lengthen the duration of a short-term commitment.

(17) Section 352-1: The definition of "discharge" has been added, and subsequent definitions renumbered.

(18) Section 352-9: Subparagraph (b) of this section has been deleted in its entirety, as it is unnecessary if jurisdiction of the family court and the Department of Social Services and Housing is kept at age 19 rather than age 22.

(19) Section 352-13: The phrase "at the facilities" has been deleted, as it may limit the availability of services, especially to families on the neighbor islands who would have to fly to Oahu. Some of the services can be provided outside of the facilities.

(20) Section 352-14: Your Committees have inserted an amendment which gives the Department of Education rather than the Director of Social Services the authority to adapt educational programs at the youth correctional facility, since it has the original responsibility for provision of such programs.

(21) Section 352-19: Subsection (a)(4) has been amended to encompass all property crimes, rather than being limited to certain specified crimes.

(22) Section 352-24: Your Committees have revised this section to conform with section 710-1028, Hawaii Revised Statutes, which classifies harboring an escapee as either a class C felony or as a misdemeanor, depending upon the circumstances.

(23) Section 352-27: This section has been amended to reflect the deletion of subsection (c), which provides for retaking a person over age 19 for violating parole since it is now unnecessary because the jurisdiction of the Family Court extends only until age 19.

(24) Section 352-29: The word "discharge" rather than "release" is used for the purpose of consistency.

Your Committees on Judiciary, Corrections and Rehabilitation, and Finance are in accord with the intent and purpose of S.B. No. 1851-80, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1851-80, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.
(Representatives Lacy and Sutton did not concur.)

SCRep. 831-80

Judiciary on S.B. No. 3012-80

The purpose of this bill is to amend chapter 97, Hawaii Revised Statutes, relating to lobbyists, so as to reduce the unnecessary number of lobbyists presently registered under the provisions of the chapter, and to make changes which will simplify the administration and enforcement of the laws pertaining to lobbyists.

Your Committee concurs that it is in the best interest of the public and the legislative and executive branches of government within the State to require the reporting of the expenditures of large sums of money to influence legislative or administrative action or ballot issues, and to provide the most current information possible on those who are lobbyists. There are currently over 2,000 registered lobbyists covered under chapter 97, which renders administration and enforcement of the existing law nearly

impossible. It also appears that many of the lobbyists currently registered are community groups and other individual who are not expending substantial sums of money or time in an attempt to influence legislative or administrative action, or ballot issues. To this end, the amendment of the definition of "lobbyist" to include only those individuals who are hired for pay or other consideration and who expend more than five hours in any month or in excess of a sum certain in any six-month period for the purposes of influencing legislative or administrative action or ballot issues. Only those individuals who are covered under the provisions mentioned would, therefore, be required to register as lobbyists.

Your Committee also concurs that it is necessary to require reporting by persons who expend more than a specific sum in any six-month period and by persons who hire or engage, for consideration, lobbyists as defined in the law. Therefore, the bill requires that such persons report expenditures in excess of \$250.

That the public may be informed, the bill has a requirement that the State Ethics Commission publish, as soon as feasible after the commencement of a regular legislative session, a list which will identify registered lobbyists and the names of those whom they represent. The requirement of re-registration at the beginning of each legislative session will also serve to keep the public informed.

Finally, this bill requires the registration of lobbyists who are hired for purposes other than that of solely engaging in lobbying activities, but who nevertheless expend substantial amounts of money or time for the purposes of lobbying.

Your Committee is in agreement with the general purpose of this bill. However, the requirements that lobbyist include in their reports a listing of subject areas on which they expect to lobby and a list of subject areas which were supported or opposed during the reporting period has been deleted. Your Committee feels that lobbyists who lobby on a broad spectrum of interests will oftentimes be unable to meet such a burdensome requirement, while special interest groups will be unaffected. Because the intent of the lobbyist registration bill is to ensure that the public be informed of the identity of lobbyists and the names of whom these lobbyists represent, and because no compelling interest will be served by the requirement of reporting subject areas, your Committee has amended this bill accordingly.

Your Committee has further amended this bill to include, as a class of those required to report their expenditures in any six-month period, persons who directly or indirectly make payments in excess of \$300 to influence legislative or administrative action. Your Committee feels that such inclusion is in keeping with the intent of the bill, which seeks to have the activities of such classes of person subject to public and governmental scrutiny.

Your Committee has left the sum of expenditures at the figure of \$300, as in the present law, and by reflecting this figure in the new sections that have been added. If the intent of this legislation is to simplify the administration and enforcement of the laws pertaining to lobbyists, the existing \$300 threshold will aid in fulfilling such objective.

Finally, your Committee has amended this bill by replacing, in certain places, the word "lobbyist" with "filer" in the section pertaining to statements of contributions and expenditures. Because the intent of this bill is that lobbyists and other person will file reports, the requirements with respect to the information to be reported should apply to "filers" rather than "lobbyists" alone.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 3012-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3012-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 832-80

Consumer Protection and Commerce on S.B. No. 2514-80

The purpose of this bill is to amend Section 444-23, Hawaii Revised Statutes, to provide that any person who aids an unlicensed contractor or knowingly enters into a contract with an unlicensed contractor shall be fined in specified increasing amounts for each successive violation.

Your Committee has heard testimony stating that unlicensed contractors continues

to be a problem of significant magnitude in the construction industry. Because unlicensed contractors do not pay the taxes, other costs and do not provide the bonds required of licensed contractors, their overhead is consequently much lower and they are able to effectively underbid licensed contractors for certain jobs. Licensing, however, provides assurances that the contractor is both competent and financially stable, thereby benefiting consumers who do business with licensed contractors. Your Committee is aware that unlicensed contractors are often neither competent nor financially stable and have done work in a defective and incomplete manner to the detriment of the owner who is left without viable remedies because of their unlicensed status. Your Committee therefore feels that this bill may aid in curbing unlicensed contracting.

Your Committee has amended the bill to provide that only holders of a contractor's license be subject to the sanctions.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2514-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2514-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Lee.

SCRep. 833-80 Consumer Protection and Commerce on S.B. No. 2081-80

The purpose of this bill is to amend Section 431-538(b), Hawaii Revised Statutes, to increase the maximum rate of interest an insurance carrier may charge on a life insurance policy loan from six to eight per cent.

Your Committee notes that life insurance policy loans, which policy holders may obtain as a matter of contractual right, are available at interest rates substantially below those currently offered at financial institutions. This interest rate differential has led to instances of policy holders borrowing on their policies and investing the proceeds at higher rates of return. Your Committee heard testimony from the Department of Regulatory Agencies that these loans are rarely repaid and are usually collected from the proceeds of the policy upon maturity. These loans therefore tie up the insurer's funds which could be invested in other areas with a much higher rate of return, thus benefiting other policyholders. Your Committee therefore feels that the present six per cent interest rate has the effect of discriminating against non-borrowing policyholders and that raising the rate should benefit them by reducing policy premium rates and/or increasing dividends paid to policyholders. It is your Committee's intention, however, that this change apply only to those policies issued after the effective date of this act.

Your Committee has made a technical amendment to further the intent of the bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2081-80, S.D. 1 and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2081-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 834-80 Consumer Protection and Commerce on S.B. No. 2682-80 (Majority)

The purpose of this bill is amend Chapter 466, Hawaii Revised Statutes, to add an experience requirement for new certified public accountancy candidates, to provide that a candidate may commence earning the additional thirty semester hours of college study required in addition to the baccalaureate degree, prior to his graduation with a baccalaureate degree (but after he has completed at least one hundred five semester hours toward the B.A. degree), and to modify the reciprocity provisions for out-of-state CPAs to those requirements in existence in Hawaii at the time the CPA was certified in the other state.

Your Committee agrees with testimony presented by the Hawaii Society of Certified Public Accountants that certain clarification is needed in the educational requirement of candidates for the CPA exam because of interpretation problems regarding when a candidate may commence his or her 30 semester hours required as additional study. Similarly, your Committee agrees that the present reciprocity provision does not relate directly enough to competency and that the experience requirement for certification has value in an accountant's training and should be reinstated.

Your Committee has, however, amended the provisions dealing with reciprocity and exemption from the educational requirements for purposes of clarification only.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2682-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2682-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 835-80 Consumer Protection and Commerce on S.B. No. 118

The purpose of this bill is to make various amendments to Chapter 26H, Hawaii Revised Statutes, relating to the statutory regulation of certain professional and occupational boards and commissions.

This bill would require the Legislative Auditor to submit to the Legislature an evaluation of the board, commission, or regulatory agency that is up for review at least twenty days prior to the Legislative Session of each year. The bill would also allow the board, commission, or regulatory agency to comment on the report prior to its submission to the Legislature. Additionally, if the Auditor's report is not received within the allotted time limit, the Legislature need not consider it.

While in accord with the general intent of the bill to revise the review procedure, your Committee has amended it by simply requiring the Auditor to assess the effectiveness of the prevailing regulation even though the recommendation is to allow the chapter to expire. This amendment will aid the Legislature in enacting an alternate statutory program, if any, should the chapter be allowed to expire.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 118, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 118, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 836-80 Judiciary and Finance on S.B. No. 3146-80 (Majority)

The purpose of this bill is to amend Chapter 11, Part XII, Subpart B, relating to the State's Campaign Spending Law.

This bill clarifies and refines the original intent of the Campaign Spending Law enacted during the 1979 Legislative Session.

A major change to the present law is the addition of the term "candidate's committee", as defined in section 11-191. This added definition clarifies present ambiguity in the law, which at present only addresses itself to "committees" rather than distinguishing between a committee directly associated with a candidate and all other committees.

Section 11-200, Hawaii Revised Statutes, as amended in this bill, illustrates the new clarity afforded by the inclusion of the phrase "Candidate's committee". As presently drafted, the section will restrict only a candidate, campaign treasurer, or candidate's committee from buying more than two tickets to another candidate's fund raiser. The original intent of this section was not to restrict all committees from being able to purchase tickets to fund raisers; it was to restrict a candidate from transferring his or her funds to another candidate whether such transfer was accomplished by the candidate, the candidate's treasurer, or any committee directly associated with the candidate.

Another ambiguity which has arisen from the existing law has been in the use of the phrase "fund raiser" in section 11-203. A fund raiser is presently defined as any political function for a candidate, the price for attendance being in excess of \$25. The section has been expanded in this bill to include all other fund-raising activities, and to exclude the direct costs of such activities from the candidate's expenditure limit. While a candidate may, at the maximum, hold one fund raiser a year, such candidate may sponsor an unlimited number of fund-raising activities.

The majority of the changes proposed in this bill are of the housekeeping variety, as

they clarify certain sections of the law which in the past have raised numerous questions in regards to their application. With respect to these changes, your Committees are in agreement.

However, your Committees have deleted the proposed addition of a penalty clause for persons who contribute or receive more than the limits set forth in section 11-204. The present law contains a penalty provision in section 11-228. The violation of the campaign spending laws by a natural person constitutes a petty misdemeanor subjecting the violator to the penalties specified therefor, and the violation by a corporation, organization, association, or labor union subjects the violator to a fine not to exceed \$1,000. Your Committees believe that the penalties in existence are adequate for the violations encompassed in section 11-204.

In addition, your Committees have amended this bill by retaining the existing section 11-218, relating to candidate funding. Your Committees believe that the extension of candidate funding through public funds for all candidates for public office would result in an insufficient amount of funds. In order to assure adequate public funding, then, would entail the appropriation, from the general fund, of a sum of one million dollars. Your Committees feel that such additional appropriation to publicly fund candidates is not appropriate. Accordingly, the original section 11-218 is left unaffected by this bill as amended.

Your Committees on Judiciary and Finance are in accord with the intent and purpose of S.B. No. 3146-80, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3146-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.
(Representatives Lacy and Sutton did not concur.)

SCRep. 837-80 Judiciary on S.B. No. 2870-80

The purpose of this bill is to authorize police officers to make arrests for criminal offenses not committed in their presence.

Under common law, arrests could not be made for misdemeanors or petty misdemeanors not committed in the presence of the police officer. This law is archaic and has been circumscribed by more recent case law. However, some courts, in ruling on motions to dismiss, still refer back to the old law, sometimes with absurd results.

This bill makes it clear that police officers can make arrests for misdemeanors and petty misdemeanors not committed in the presence of the police officer, just as in the case of felonies. The word "crime" is intended to mean any felony, misdemeanor, or petty misdemeanor. See section 701-107, Hawaii Revised Statutes.

However, your Committee feels that the authority to arrest on the part of police officers for offenses not committed in their presence should be limited to offenses which are felonies and misdemeanors. In the case of petty misdemeanors, victims may seek redress through the complaint and summons process through the offices of the prosecuting attorneys. But because many misdemeanor offenses involve crimes of greater severity than petty misdemeanor offenses, it is important that police officers be empowered to make arrests of the offender to remove him from the streets.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2870-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2870-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 838-80 Judiciary on S.B. No. 3003-80

The purpose of this bill is to restrict the tolling of the statute of limitations in medical malpractice cases for no longer than eighteen months.

Under section 671-12, Hawaii Revised Statutes, a claim for medical tort must first be submitted to the medical claim conciliation panel before any court action can be filed. Additionally, section 671-18 provides that the filing of such claim with the panel

tolls the statute of limitations "until sixty days after the decision of the panel is mailed or delivered to the parties."

The Committee has been made aware that in some cases a medical claim conciliation panel has failed to render a decision for a very long period, to the consternation of both parties.

This bill will allow the statute of limitations to be tolled for no more than eighteen months, and allows the party filing the claim to commence a suit after such eighteen-month period but within the balance of the original two-year period of limitation the party had before the tolling was commenced.

Your Committee has amended the bill in the following manner:

- (1) By reinstating the provision that any applicable statute of limitations is tolled until sixty days after the date the decision of the panel is mailed or delivered to the parties. If this provision is deleted, there would be no provision to resume the running of the statute of limitations after a timely decision is reached by the panel and the statute of limitations would be tolled for eighteen months in all cases.
- (2) By adding language clarifying that if the panel fails to reach a decision in eighteen months, the running of the statute of limitations resumes.
- (3) By deleting the proposed language in Section 671-18 relating to the applicability of the eighteen-month limitation to cases filed before and after the effective date of the bill and placing similar language in section 5 relating to the effective date of the bill.
- (4) By making other changes for reason of style and clarity which have no substantive effect.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 3003-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3003-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 839-80 Judiciary on S.B. No. 2501-80

The purpose of this bill is to affix responsibility and liability on owners whose animals inflict personal injury or property damage, without sole dependence upon the factor of whether or not the animal was on or off the owner's premises.

Current law offers little protection and inadequate remedies for innocent citizens who are victims of unprovoked animal attacks while upon the property of another or upon public property such as beaches, parks, school grounds and neighborhood sidewalks.

Your Committee received testimony that people are becoming more fearful of and vocal about actual and potentially dangerous situations created by vicious dogs whose owners refuse to properly care for, train, or confine. Further, there has been an increase in the number of persons whose pets have been injured or killed by dogs bred for fighting.

Your Committee agrees with the concept contained in this bill that the financial and social responsibility and liability for personal injury or property damage caused by a dog should rest with the owner. Such liability, however, should only attach under certain circumstances, where the owner of the dog has neglected to fulfill his responsibilities. Your Committee has therefore amended this bill to reflect the fault concept in the area of animal bite or attack. However, your Committee, being of the opinion that attempting to totally overhaul the present statute which is more than 100 years old is a fruitless endeavor, has amended this bill by separating the property damage and personal injury aspects of problems arising from dogs, encompassing the former in section 142-74, and addressing the latter by enacting two new sections patterned after California Statutes. These proposed sections provide for the following:

1. That a dog owner is liable for the damages suffered by any person who is bitten by his dog while in a public place or lawfully in a private place, regardless of the former viciousness of the dog or its owner's knowledge of such viciousness, contrary to the common law which generally requires

that a dog display a propensity towards viciousness and that its owner know, actually or constructively, of such viciousness;

2. That the owner of a dog has a duty to take reasonable action to prevent the recurrence of a dog bite incident upon other persons; and
3. That after "two bites", any person or the prosecuting attorney can bring an action in District Court to force the removal of the offending dog from the area or compel its owner to have it destroyed.

Your Committee feels that adding the new sections to Chapter 142 of the Hawaii Revised Statutes will adequately deal with situations in which a person is lawfully upon private premises and is bitten or attacked, and at the same time cover instances where the animal bite or attack may have been warranted. These issues, rather than being narrowly and specifically circumscribed, should be left to the trier of fact to assess in affixing liability. Therefore, your Committee has amended this bill by deleting the new sections which were inserted.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2501-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2501-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 840-80 Judiciary on S.B. No. 1834-80

The purpose of this bill is to substitute more appropriate, precise language for the antiquated terms "idiot", "lunatic", or "insane person" used in sections 580-21, 580-26, and 580-27 of the Hawaii Revised Statutes.

Under present law the terms "idiot", "lunatic", or "insane person" are used to describe a person from whom his or her spouse may obtain an annulment.

This bill replaces such terms with the phrase "lacked the mental capacity to consent to the marriage". Your Committee feels that the replacement language better describes a person's mental condition and obviates the necessity of attempting to operationally define such ambiguous terms.

This bill also replaces the terms "relative" and "next friend" with "guardian" in section 580-26. Your Committee finds that this also is desirable and beneficial in that an incapacitated individual's best interest will be exclusively represented by the person legally authorized to act on such individual's behalf.

Finally, this bill equalizes the rights between the mentally incapacitated person and his or her spouse to apply for an annulment of the marriage by also allowing the incapacitated individual to apply for an annulment by changing "the sane" party to "either" party in referring to who may apply for an annulment in section 580-26.

Your Committee has also amended this bill to correct typographical errors.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1834-80, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1834-80, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 841-80 Judiciary on S.B. No. 2877-80

The purpose of this bill is to amend various provisions of the Penal Code dealing with sexual offenses.

This bill has deleted the definition of "female", as sexual offenses are committed by persons against other persons, without reference to gender. This deletion is in keeping with the revisions done in 1979 to neutralize the reference to members of either sex. "Sexual intercourse" and "forcible compulsion" have been amended so as to encompass more types of prohibitive action within the scope of sexual offenses. At present, the

language is restrictive in its effect; it fails to adequately cover within its scope certain acts which are malum in se, and the revision seeks to remedy this problem.

Your Committee has amended this bill in various ways. First, it has corrected the definition of "married" to reflect the 1979 amendment. Secondly, it has deleted the requirement, in section 707-730(a) and 707-733(a) that the victim of a rape in the first degree or of a sodomy in the first degree not be a "voluntary social companion who had within the previous twelve months" permitted some sort of sexual contact. This amendment is intended to impart some degree of fairness to the plight of the victim of a sexual offense. If the sexual contact was done without the consent of the victim, and if forcible compulsion was used, it matters not that there had, within the preceding twelve-month period, been consented to sexual contact between the victim and the offende

Thirdly, your Committee has deleted the provision under the prompt complaint section regarding victims of sexual offenses who are mentally or physically incapacitated. This exception to the requirement of the three-month time limitation for reporting will result in a great burden to the prosecuting attorneys, who will necessarily have to prove such mental or physical incapacity which prevented timely reporting, to the satisfaction of the courts.

Finally, your Committee has deleted the provisions dealing with the offense of bestiality and necrophilia. At present, there are section within the Penal Code which prohibit such types of behavior. Absent repealer sections, the inclusion of these provisions is redundant.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2877-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2877-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 842-80

Judiciary on S.B. No. 2329-80

The purpose of this bill is to clarify and update obsolete wording and to expand upon the exclusions from eligibility for deferred acceptance of guilty pleas (DAG) in section 853-4, Hawaii Revised Statutes.

This bill prohibits the granting of DAG pleas in cases where the defendant (1) has used a firearm in the commission of the offense charged, (2) is charged with the distribut of a dangerous, harmful, or detrimental drug to a minor, (3) has previously been granted a DAG plea and is charged with a misdemeanor, or (4) has previously been granted a DAG plea and is subsequently charged with a felony whether or not the deferral period has expired.

These additions to the present law are intended to better define and expand upon the serious and violent types of crimes which exclude DAG pleas. However, your Commit does not wish to automatically deny DAG pleas to those who may have been on a DAG plea status for a felony, misdemeanor, or petty misdemeanor which was already expired, for which the defendant has had to fulfill all of the conditions set by the court, and for which the court has since dismissed the charge and discharged the defendant from its jurisdiction. If such person is presently facing a misdemeanor charge, your Committee feels that the court should be allowed to determine, in its discretion, the propriety of granting a subsequent DAG plea, but only in instances where the preceding DAG plea has expired.

Your Committee has amended this bill to further include specific offenses for which DAG pleas shall not be available. Your Committee feels that the specific offenses enumera are those of such an invidious character that DAG pleas should not be granted in those cases.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2329-80, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2329-80, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 843-80

Consumer Protection and Commerce and Health on S.B. No.
2202-80

The purpose of this bill is to provide for two categories of licenses under Chapter 466J, Hawaii Revised Statutes relating to radiologic technology.

Your Committees received testimony in support of the bill and find the existing law addresses licensing of all radiologic technologists. However, there are significant differences between the two fields of diagnostic radiologic technologists and radiation therapy technologists. This bill would further clarify the law to permit the Board of Radiologic Technology to administer separate licensing exams for radiation therapy technologists and diagnostic radiologic technologists.

The terminology "ionizing radiation", included in the definitions of this bill, concerns your Committees. Testimony indicated that this terminology would encompass a wide range of technologists working in nuclear medicine. There is presently no State regulation or licensing provisions for nuclear medicine technologists and the existing law is inadequate to cover this broadened definition.

Your Committees have therefore amended this bill to delete the words "ionizing radiation" on page 1 line 15, and page 2 line 5, to be replaced with the words "cobalt 60 or electrons".

Your Committees further amended the bill on page 2 line 9 to include "cobalt 60 or electrons". Although this new wording is included within the definition of ionizing radiation and does relate to nuclear medicine, it is a narrower definition that relates directly to the method of treatment used by radiation therapy technologists.

Your Committee on Consumer Protection and Commerce and your Committee on Health are in accord with the intent and purpose of S.B. No. 2202-80, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2202-80, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 844-80

Tourism on S.B. No. 2770-80

The purpose of this bill is to amend Section 203-2, Hawaii Revised Statutes, by eliminating the prohibition that no employee or officer of the State or its political subdivisions nor any member of a county advisory committee created under Section 203-3 shall serve as a member of the Hawaii Visitors Bureau (HVB) executive board or committees.

Your Committee finds that allowing government officials to sit on the HVB's executive board or committees would promote the valuable interchange of information regarding tourism amongst the public and private sectors as well as enable the state to monitor HVB operations more effectively.

The bill, however, excludes the Department of Planning and Economic Development (DPED) from sitting on the "executive board or committee." While your Committee agrees that the exclusion of DPED from the executive board is necessary to preserve an "arm's length" contractual relationship, it finds that the DPED should be allowed to serve on HVB committees. Testimony by the HVB and DPED indicates that it has been the long-standing practice to allow DPED officials to serve on HVB committees in a research capacity.

Your Committee, therefore, has amended the bill by eliminating the words "or committee" on page two, line two, so as to allow DPED officials to sit on HVB committees.

Your Committee on Tourism is in accord with the intent and purpose of S.B. No. 2770-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2770-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 845-80

State General Planning on S.B. No. 2571-80

The original purpose of this bill is to extend the time for submittal of all of the functional plans specifically enumerated and required under the Hawaii State Planning Act, Chapter

226, Hawaii Revised Statutes (HRS).

Under Section 226-58(c), HRS, the functional plans for agriculture, housing, tourism, and transportation are required to be submitted to the 1979 Legislature, and the functional plans for conservation lands, education, energy, higher education, health, historic preservation, recreation, and water resources development are to be submitted to the 1980 Legislature. Senate Bill 2571-80 proposes to extend to 1981 these respective submission deadlines for the aforementioned functional plans.

Your Committee finds that nine functional plans have been submitted to the 1980 Legislature to date and that each functional plan has undergone an extensive preparation and review process prior to its submittal to the Legislature. This preparation involved an advisory committee for each plan and presentation by the agency which prepared a particular functional plan, to the general public for discussion at informational meetings held throughout the State. Moreover, your Committee finds that the Policy Council conducted a comprehensive four-phased review of each of the plans.

To date, nine of the functional plans have been scrutinized at joint hearings held by your Committee on State General Planning and related subject-matter committees of the House of Representatives. After careful consideration, your Committee is in the process of recommending that the functional plans for agriculture, water resources development, recreation, tourism, energy, and housing be adopted.

In view of the foregoing, your Committee is unable to justify such a blanket extension of the submission deadlines for all of the aforementioned functional plans as proposed by the bill. Accordingly, your Committee has amended Section 1 of the bill, relating to purpose and findings, so that it now reads as follows:

"SECTION 1. The purpose of this Act is to amend the Hawaii State Planning Act to extend the time for submittal of functional plans for conservation lands and historic preservation."

Your Committee finds it necessary to extend the submission deadline for the functional plans for conservation lands and historic preservation because although those two plans were submitted to the 1980 Legislature, they are in need of further review and modification.

Your Committee has further amended Section 2 of the bill so as to retain the original provisions of Section 226-58(c), HRS, which require the submittal of the functional plans for agriculture, housing, tourism, and transportation not later than thirty days prior to the convening of the 1979 Legislature and the submittal of the remaining functional plans, other than the plans for conservation lands and historic preservation, not later than thirty days prior to the convening of the 1980 Legislature.

Under the attached H.D. 1, functional plans for conservation lands and historic preservation shall be submitted to the Legislature not later than thirty days prior to the convening of the 1981 Legislature.

Your Committee on State General Planning is in accord with the intent and purpose of S.B. No. 2571-80, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2571-80, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Dods, Masutani and Medeiros.

SCRep. 846-80

State General Planning; and Water, Land Use, Development
and Hawaiian Affairs on S.B. No. 1003

The purpose of this bill, as amended, is to amend section 46-4, Hawaii Revised Statutes, to allow the counties to amortize or phase out nonconforming uses over a reasonable period of time in non-residentially zoned areas with the exception of existing buildings or premises used for residential or agricultural purposes.

Your Committees have amended this bill on page 4, lines 17, 18, and 19 by deleting the following language " , or for the amortization or phasing out, of nonconforming uses structures, or signs over a reasonable period of time." and in its place substituting the following language "or for the amortization or phasing out of nonconforming uses over a reasonable period of time in non-residentially zoned areas only. In no event shall amortization or phasing out of nonconforming uses apply to any existing building

or premises used for residential or agricultural purposes."

The purpose of this amendment is to restrict the areas where the counties are allowed to amortize or phase out nonconforming uses to non-residentially zoned areas. In addition, this amendment restricts the counties from amortizing or phasing out existing buildings or premises used for residential or agricultural purposes.

Your Committees have also made technical amendments of a non-substantive nature to conform with the Ramseyer format.

Your Committees on State General Planning and Water, Land Use, Development and Hawaiian Affairs are in accord with the intent and purpose of S.B. No. 1003, S.D. 1, as amended herein, and recommend it pass Second Reading in the form attached hereto as S.B. No. 1003, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 847-80

Finance on S.B. No. 2914-80

The purpose of this bill is to amend the provisions of the workers' compensation law related to the physical and vocational rehabilitation of injured employees who become permanently disabled in order to improve the delivery of rehabilitation services to such employees and to provide incentives for participation in rehabilitation programs.

The bill establishes a new rehabilitation unit within the department of labor and industrial relations that will be responsible for:

1. referring injured employees for rehabilitation after it fosters, reviews, and approves plans specifically developed for them;
2. coordinating and enforcing the implementation of such plans; and
3. regulating providers of rehabilitation services.

The bill will also provide incentives for participation by permitting an employee undergoing rehabilitation to receive temporary total disability compensation, at least to a point where the sum of wages earned during the rehabilitation period and his compensation reaches the level of his average weekly wages at the time of injury.

This measure should improve the administration of the Workers' Compensation Law and benefit disabled workers by providing a more effective means to attempt the rehabilitation of the many workers who become disabled through industrial accidents.

Your Committee has amended this bill to add an appropriation section to authorize \$95,000 for the purposes of this bill. Other technical amendments are made including the addition of the word "have" on page 1, line 15.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2914-80, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2914-80, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 848-80

Judiciary on S.B. No. 2784-80

The purpose of this bill is to provide that motor vehicle registration information furnished by an individual and maintained in county files or computers constitutes a public record within the meaning of section 92-50 and 92-51 of the Hawaii Revised Statutes. This bill further makes provision for the prohibition of overcharging being made by towing companies, such overcharges being in excess of the statutory fees set out in section 290-11, Hawaii Revised Statutes.

Under current law, access to the information contained in the statewide traffic records system is allowed only under limited circumstances and no provision presently exists to effectively enforce towing fee structures established in section 290-11.

Your Committee finds that there are rampant overcharges being made by towing companies which are in excess of the fees set out by law.

Your Committee feels that by providing for causes of action by disgruntled owners who have been subjected to overcharges will be an aid in discouraging the overcharging practices of towing companies. However, your Committee does not believe that treble damages and minimum damages at \$1,000 is warranted, as these damages are punitive in nature, and unduly harsh considering the nature of the cause of action. Overcharging as a practice, in and of itself, should be cease. But mandating such excessive damages appears to unjustly enrich the owner of the vehicle, who, though entitled to reimbursement should not be making a profit.

In addition, your Committee believes that the towing company should not be expected to meet the unyielding requirement of notification within 6 hours of the removal of the vehicle on every occasion, as this may not be possible. The towing company is under a duty to notify the owner, but should be afforded a reasonable period in which to do so. This reasonable period, your Committee believes, should be within a period of time deemed to be reasonable in light of the circumstances, and subject to the determination of the identity of the owner by the towing company. Accordingly, your Committee has amended the notification requirement to make it more flexible.

However, your Committee further finds that the provisions contained in Section 1, of S.B. No. 2784-80, S.D. 2, which provides that the Director of Transportation may release motor vehicle registration information in the statewide traffic records system to (1) any person, in response to a request from a state governmental agency, (2) to a person determined by the Director to have legitimate reasons for obtaining the information for verification of vehicle ownership or for research or statistical purposes, and (3) to any person required by law to give notice to an owner of an individual vehicle; is contained in H.B. No. 2860-80, H.D. 1. Therefore, your Committee has amended this bill by deleting Section 1 in its entirety.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2784-80, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2784-80, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 849-80 Judiciary and Finance on S.B. No. 1838-80

The purpose of this bill is to extend the life of the Hawaii Crime Commission, due to end on June 30, 1980 and to revamp its current structure and policies to make it an effective and efficient organization to counteract crime in the State of Hawaii.

This bill extends the presently existing Crime Commission for a one-year period, from July 1, 1980 until June 30, 1981, and provides for a new commission to commence on July 1, 1981. Your Committees have amended the bill to provide that the Commission will terminate after two years unless renewed by the Legislature in order that it remain subject to periodic legislative review.

Moreover, your Committees have made various other amendments to the bill. Your Committees have:

1. Retained the number of commissioners from the proposed seven to the present twelve and retained the provision mandating the Commission to be representative of the population of the State. Your Committees feel that the commissioners should be twelve effective, honest and concerned individuals of the State, representative of every occupation, race, age-group or geographical origin as in physically possible.
2. Deleted the provision that a representative of the Federal Bureau of Investigation may be invited by the Commission to be an ex-officio, non-voting member of the Commission.
3. Deleted the provision that each nominee to the Commission appointed by the Governor shall undergo intensive security screening by the Attorney General who shall consult with the F.B.I., and requires the Attorney General to submit the findings of these screens to the Governor, who in turn shall submit this report with the list of nominees to the Senate.
4. Eliminated the provision for staggered terms of the commissioners and provided merely that all members serve two consecutive years.

5. Deleted the provision that the commissioners be compensated at the rate of \$50 a day, while retaining the provision that the chairman be compensated at the rate of \$75 a day because of his duties and responsibilities as chairman, for each day's actual services rendered.
6. Emphasized legislative intent that the primary function of the Commission is to do research projects rather than investigative projects, but being cognizant of the fact that some investigation is necessary as an incident to research.
7. Provided for the narrowing of the scope of functions of the Commission. The Commission should be primarily concerned with the evaluation of existing programs, agencies and projects relating to crime; and the recommendation of changing existing substantive laws, practices and procedures in the criminal area.
8. Deleted the Legislative Oversight Committee composed of three members of each house of the Legislature with each member undergoing the same intensive security screening as the commissioners before taking membership.
9. Finally, remove the subpoena power of the Commission inasmuch as the primary function of the Commission under this bill, as amended, is to conduct research and evaluation, there is no real necessity for the granting of such subpoena powers, the latter being more essential if the Commission was an investigatory body.

Your Committees feel that these amendments will promote an efficient and effective Crime Commission with sufficient funding to make a significant impact on the knowledge, and if necessary, changes to our criminal justice system, needed to effectively combat crime in the State of Hawaii.

Your Committees on Judiciary and Finance are in accord with the intent and purpose of S.B. No. 1838-80, S.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1838-80, S.D. 3, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 850-80 Consumer Protection and Commerce on S.B. No. 2253-80

The purpose of this bill is to establish a regulatory framework for the concept of time sharing.

Your Committee is aware that time sharing has generated a great deal of controversy among the various interested parties including State government, the time sharing industry, and residents of Hawaii affected by the establishment and potential spread of time sharing. Your Committee finds from the extensive testimony received that this controversy has been caused by radically differing viewpoints regarding the value to the State of time sharing by the opponents on the one hand and the proponents on the other. Opponents believe generally, that time sharing has created a burden for residents and government alike, that it has had the effect of bringing large numbers of vacationers into the state, but who have not brought with them the traditional benefits now expected of tourism, including more and better paying jobs for residents and general stimulation of and at least a proportionate contribution to the State's economy. Proponents point to studies made to support their claim that the existence of time sharing adds significantly to the economy and well being of the State. Opponents favor strict limitation of time sharing while proponents seek enabling legislation establishing definite guidelines and procedures for the statutory legitimization of time sharing.

This bill would prohibit time sharing in residential areas and would permit it in areas zoned hotel use, hotel-apartment use or hotel resort use by the various counties. Additionally, it provides for registration and disclosure requirements, prohibited practices in marketing and sanctions, and a "grandfather" clause for existing time shared units.

While your Committee agrees basically with the bill insofar as the intent is to regulate time sharing in such a way that any benefits resulting therefrom inure to the residents of this State, and so that operation of the industry does not become a drain on the State's economy and resources, amendments have been made to implement that intent. Major changes include limiting time sharing to only those areas where hotels are a permitted

land use, subject to existing time sharing projects, and providing that the definition of unit owner be the fee holder of record or the lessee entitled to possession.

Other changes include various deletions and additions in conformance with your Committee's intentions.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2253-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2253-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Dods, Masutani, Larsen, Uechi and Medeiros.

SCRep. 851-80 Consumer Protection and Commerce on S.B. No. 1441

The purpose of this bill is to provide industrial loan companies with additional authority to engage in open-end lending.

Your Committee finds that while industrial loan companies presently engage in open-end lending, existing statutory language is unclear.

The main purpose of open-end lending is customer convenience. Traditionally, industrial loan company borrowers have been limited to fixed term loans. Customers would borrow a certain sum of money and make equal payments until the loan was repaid. If refinancing was desired, re-execution or new applications and re-processing was necessary. Open-end lending would alleviate these problems by allowing customers to borrow once and then use a credit line. Banks, retail stores, and some savings and loan associations all participate in some form of open-end lending.

While in accord with the intent of the bill your Committee has made several changes to clarify application of the various interest provisions to open-end loans:

- (1) The bill has been clarified to state that provisions relating to loans where interest is collected in advance, accelerated loans, and after maturity late charges, do not apply to open-end loans.
- (2) An addition has been made to state affirmatively that if the open-end loan is a retail installment contract, then it must comply with the provisions of Chapter 476.
- (3) A requirement has been added that an open-end loan cannot be secured by a lien on the principal residence of the borrower.
- (4) Your Committee has deleted the requirement that the contract be written in the English language, but by doing so, does not intend to require that another language need be used in a particular situation, but only that the English language requirement is unnecessary.
- (5) The requirement that each loan state in writing the effective yearly rate of interest is retained.
- (6) The good faith reliance section has been deleted since it has been covered in a separate bill.

Other changes have been made to reflect the amendments to Chapter 408 by the 1979 Legislature as well as other form and style changes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1441, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1441, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Dods, Honda, Larsen, Masutani, Nakamura, Uechi and Medeiros.

SCRep. 852-80 Consumer Protection and Commerce and Energy on
S.B. No. 1897-80

The purpose of the bill is to promote the commercial development of non-fossil, renewable alternate energy resources by excluding producers of electrical energy generated from such resources from the definition of the term "public utilities" under present state law.

Your Committees find that producers, other than public utilities, will be encouraged to produce electrical energy from alternate energy resources for sale to public utilities if they are assured they will not be considered public utilities under state law.

Your Committees recognize that alternate source energy producers take economic risks in utilizing progressive technology and believe that this bill is a first step toward alternate fuel source use.

Your Committees have amended the bill to make various language changes in order to better implement the purpose of the bill.

Your Committees on Consumer Protection and Commerce and Energy are in accord with the intent and purpose of S.B. No. 1897-80, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1897-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Sakamoto and Toguchi.

SCRep. 853-80 Judiciary and Health on S.B. No. 2927-80

The purpose of this bill is to establish a bill of rights for mental patients.

In 1979, a task force was created to examine the need for and to determine the propriety of the codification of rights of mental patients, in response to a Senate Resolution. The task force convened under the aegis of the Department of Health. Its members were drawn from the public and the private sectors, advocacy groups, the medical, legal and social services fields, unions, and interested individuals. The task force submitted its report, containing conclusions and recommendations to the Legislature.

This bill delineates a fairly comprehensive set of rights on such topics as admission procedures, basic patients' rights, treatment rights, legal rights, records, social activities, environment, performance of work, religious freedom, and transfer between facilities. It was from the recommendations of the task force that this bill of rights evolved. In addition, this bill affirms that necessity of obtaining informed consent from any patient, or the patient's guardian, before the initiation of non-emergency treatment for a mental illness, dysfunction, or disorder. Your Committees find that properly obtained informed consent protects both the patient and the physician, and intends that informed consent be obtained whether a patient is an in-patient at a facility or whether the patient is under the care and treatment of a physician.

The second section of this bill establishes basic and essential rights of recipients of mental health services who are receiving care, diagnosis, or treatment as in-patients in a public facility. These rights have been specifically made subject to the criteria of reasonableness and resource-availability, as an unreasonable overburdening of the public mental institutions or licensed psychiatric facilities would benefit no one. The rights established by this bill are not the only rights afforded under the law. However, the rights contained within this bill are rights which any person in the position of a patient should be afforded.

Your Committees have amended this bill so as to ensure that the rights contained within the bill attach to recipients of mental health services rather than only to mental patients. This clarifies that persons who are in public mental institutions or licensed psychiatric facilities for any reason will also be included within the term "recipient". Your Committees have also included "licensed psychiatric facility" in the bill. Not to do so would result in a double standard being applied to recipients of mental health services. Those in public institutions would have the rights attach, while those in private institutions would not be afforded such rights. In the interests of fairness, then, your Committees feel that such inclusion is necessary.

Finally, your Committees have amended this bill for technical errors.

Your Committees on Judiciary and Health are in accord with the intent and purpose of S.B. No. 2927-80, S.D. 2, as amended herein, and recommends that it pass Second

Reading in the form attached hereto as S.B. No. 2927-80, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 854-80 Judiciary on S.B. No. 2938-80

The purpose of this bill is to amend Section 286-104, Hawaii Revised Statutes, by removing the category of people deemed to be habitual drunkards as a class to whom the examiner of drivers shall not issue a license to operate a motor vehicle.

Under present law, the examiner of drivers cannot issue a driver's license to any individual who is adjudged to be either a habitual drunkard or an addict to the use of narcotic drugs.

Your Committee finds that there is no statutory provision for procedures to determine whether a person is a "habitual drunkard", nor is there statutory provision for procedures to determine whether a person is "an addict to the use of narcotics". In essence, both classes of persons to whom driver's licenses cannot be issued are not statutorily defined.

However, Chapter 334 of the Hawaii Revised Statutes, dealing with mental health, defines the phrase "person suffering from substance abuse" to include those who use narcotics or alcohol to such an extent that it interferes with their lives; and further, provides for involuntary commitment of such persons. Your Committee has found that subsection (7) of Section 286-104 currently provides for the denial of a driver's license to persons who have been committed pursuant to Chapter 334. Therefore, your Committee has amended this bill by deleting subsection (2), as subsection (7) adequately defines and covers the situation.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2938-80, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2938-80, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 855-80 Judiciary on S.B. No. 1831-80

The purposes of this bill are to clarify and strengthen the statutory guidelines provided the court with respect to sentencing convicted defendants to a term of imprisonment and to require the court to set forth its reasons for imposing or withholding a sentence of imprisonment.

Present law, section 706-621 of the Hawaii Revised Statutes, enumerates eleven grounds which the court may accord weight in favor of withholding a sentence with imprisonment. This bill eliminates the following six:

1. The defendant's criminal conduct neither caused nor threatened serious harm;
2. The defendant did not contemplate that his criminal conduct would cause or threaten serious harm;
3. The defendant has compensated or will compensate the victim of his criminal conduct for the damage or injury that he sustained;
4. The defendant's criminal conduct was the result of circumstances unlikely to recur;
5. The character and attitudes of the defendant indicate that he is likely to commit another crime;
6. The imprisonment of the defendant would entail excessive hardship to himself or his dependents.

Moreover, present law contains no requirement that the court state its reasons for imposing or withholding a sentence of imprisonment. This bill adds such a requirement to section 706-620 while deleting the present language contained therein.

Your Committee feels that of the six grounds this bill proposes to delete from section 706-621, only one should be, to wit, that the defendant did not contemplate that his criminal conduct would cause or threaten serious harm, being of the opinion that the other grounds are meritorious, desirable, and otherwise virtuous. Accordingly, your Committee has amended this bill by reinstating the aforementioned six grounds except for the one discussed.

Your Committee feels that our Penal Code system, which vests sentencing discretion with the courts in order that the courts may fully explore the defendant's history and adequately consider all contingencies, requires that courts be given ample leeway to exercise the discretion. To that end, statutory guidelines exist, to which the courts accord weight, controlling and directing such discretion. To further restrict the sentencing court by mandating written findings of fact containing specific reasons for the sentence imposed adds no more to the existing controls and checks upon the discretion of the courts. Therefore, your Committee has further amended this bill by deleting the provision which requires the sentencing court to justify, in findings of fact, its reasons for having imposed a sentence, whether it be a sentence of imprisonment or a withholding thereof.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1831-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1831-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 856-80 Finance on S.B. No. 2635-80 (Majority)

The purpose of this bill is to provide for the issuance of special purpose revenue bonds to assist industrial enterprises.

Article VII, section 12, of the Constitution of the State of Hawaii, as amended by the Constitutional Convention of 1978, provides that the legislature, by a two-thirds vote of both houses, may enact enabling legislation for the issuance of special purpose revenue bonds separately for each special purpose entity, and by similar vote and by separate legislation, may authorize the State to issue special purpose revenue bonds for each single project or multi-project program of each special purpose entity. Such bonds may be authorized or issued to assist, among other things, manufacturing, processing, or industrial enterprises; however, the legislature must find the issuance of the bonds to be in the public interest.

Generally, this bill will: allow the department of budget and finance to issue special purpose revenue bonds to finance industrial enterprises; require the State to be reimbursed for all expenses associated with entering into any agreement concerning such bonds for industrial enterprises; provide that any industrial enterprise shall contract with the department to pay sums sufficient to cover the principal and interest on such bonds, to maintain a reserve as required, and to pay all fees and expenses of the State; provide that such bonds shall only be paid from revenues derived from payments made to the department by such industrial enterprise, and that such bonds shall be secured solely by industrial enterprises; provide that such bonds shall not be a general obligation of the State and shall not be secured by the full faith and credit of the State, and that no state revenues or taxes shall be pledged to the payment of such bonds; and provide that such bonds, and the income and interest therefrom, shall be exempt from all state, county, and municipal taxation, except inheritance, transfer, and estate taxes.

Your Committee is in agreement that the legislature retains absolute control over bond authorizations. The State Constitution requires a separate legislative measure authorizing the issuance of special purpose revenue bonds for each project or multi-project program with the approval of two-thirds of the members to which each house of the Legislature is entitled. No bonds can be issued unless the Legislature specifically identifies and authorizes the specific entity, project and amount of bonds to be issued. This process assures absolute legislative control over projects for which special purpose revenue bonds may be issued.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2635-80, S.D. 2, H.D. 1 and recommends that it pass Third Reading.

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

SCRep. 857-80 Finance on S.B. No. 2531-80

The purpose of this bill is to provide for the exclusion of all reimbursable general obligation bond funds from the current \$110 million encumbrance ceiling mandated by section 128, part V, Act 214, Session Laws of Hawaii 1979.

Your Committee finds that the encumbrance ceiling prevents many important projects from being implemented. Your Committee further finds that many projects will lapse because encumbrances cannot be obtained. Your Committee agrees that the encumbrance ceiling should be lifted and this bill is amended to accomplish this by repealing section 128, part V, Act 214, Session Laws of Hawaii 1979.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2531-80, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2531-80, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 858-80 Finance on S.B. No. 2795-80

The purpose of this bill is to conform the Hawaii Revised Statutes to the provisions of Article VII, Sections 8 and 9, of the State Constitution as amended by the Constitutional Convention of 1978 and ratified by the voters on November 7, 1978.

The bill as referred to your Committee proposed that "state growth" or the rate at which general fund appropriations will be allowed to increase within the expenditure ceiling be determined by averaging the annual percentage change in total state personal income for the three calendar years immediately preceding the calendar year before the session of the legislature making appropriations from the general fund.

Under this bill, the expenditure ceiling for each fiscal year will be determined by increasing the prior year's expenditure ceiling by the applicable state growth rate.

The expenditure ceiling for each fiscal year as determined under this bill sets the limit of general fund appropriations which the legislature is authorized to appropriate from the general fund. In the event that the legislature should choose to exceed the expenditure ceiling this bill would first require the legislature to secure a two-thirds vote of each house of the legislature approving such excess appropriations; set forth the dollar amount and the rate by which the appropriations allowed exceeds the expenditure ceiling; and set forth the reasons for exceeding the expenditure ceiling in each act which will cause appropriations from the general fund to exceed those allowed under the expenditure ceiling.

This bill also requires the executive and judicial branches to comply with certain requirements when proposing general fund appropriations for their respective branches of government. Specifically, this bill requires the governor and the chief justice to keep their proposed general fund expenditures within an appropriation ceiling determined by increasing the actual appropriations from the general fund for the preceding fiscal year for each of their respective branches by the rate of state growth. In the event that the governor or the chief justice proposes that appropriations for his respective branch be in excess of the appropriations limit, then the governor or the chief justice must set forth the dollar amount and the percentage change in excess of the appropriations limit and the reasons for proposing appropriations in excess of that limit.

The director of finance is charged with the responsibility of determining the rate of state growth and the expenditure ceiling, and of reporting this information to the governor, the chief justice, the legislature, and the public.

Your Committee has amended this bill to change the base appropriation year for determining the expenditure ceiling from the 1978-79 fiscal year to the 1980-81 fiscal year.

This bill has also been amended to: 1) determine "state growth" by averaging the annual percentage change in total general fund revenues rather than total state personal income for the three calendar years before the session of the legislature making appropriations from the general fund; and, 2) delete the section providing for a reserve amount fund.

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

2795-80, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2795-80, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 859-80 Legislative Management

Informing the House that House Resolution Nos. 413 to 419, House Concurrent Resolution Nos. 117 and 118, and Standing Committee Report Nos. 768-80 to 784-80, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 860-80 Legislative Management

Informing the House that House Resolution Nos. 420 to 429, House Concurrent Resolution Nos. 119 to 121, and Standing Committee Report Nos. 786-80 to 858-80, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 861-80 Transportation on S.B. No. 1346

The purpose of this bill is to effect changes to the Hawaii Revised Statutes, section 291-34, respecting the statewide traffic code as it relates to vehicle length limitations.

This bill was previously amended to extend the maximum overall length of vehicles to 58 feet. Relating to this 58-foot limitation, the director of transportation for the city and county of Honolulu testified that the city intends to begin operation of articulated buses which are approximately 60 feet long. This bill provides for an exception for articulated buses, in addition to the existing exception for truck tractors and semi-trailers used for agricultural purposes. These vehicle exceptions shall not exceed 65 feet in length.

The Department of Transportation has testified in support of the additional increase in length of three feet and stated that it will not pose any problems with the roadway geometrics and structural strength of the bridges.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 1346, 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. 862-80 Corrections and Rehabilitation; Energy; and Water, Land Use, Development and Hawaiian Affairs on H.R. No. 113

The purpose of this Resolution is to request the Department of Social Services and Housing, with the cooperation of the Department of Land and Natural Resources and the Department of Planning and Economic Development, to conduct a study on the feasibility of developing a eucalyptus tree farm program as a prison industry in the State's correctional system.

Eucalyptus can be chipped, dried and burned in boilers to produce electricity or can be used to produce methanol used in the production of gasohol. When used in the production of electricity, eucalyptus is high in energy conversion. One ton of bone-dry eucalyptus chips is reported to have the energy equivalence to two barrels of oil.

Your Committees believe that all public lands should be utilized to maximally benefit the people of Hawaii. The concept of a eucalyptus tree farm on idle State lands using prison inmate labor has merit and deserves further study.

Your Committees find that such a program would provide a productive and rehabilitative work program for inmates enabling them to receive on-the-job-training in tree farming, logging, sawmill operations, and equipment use and maintenance while, at the same

time, helping the State to vastly increase its inventory of biomass capability, thus reducing the State's dependence on imported energy.

Your Committees are greatly impressed with the koa reforestation program presently taking place at the Kulani Correctional Facility with the Forestry Division of the Department of Land and Natural Resources utilizing over 2,500 acres within the 7,500 acre complex. The labor for this program is wholly furnished by the Kulani inmates.

Your Committees believe that inmates from Kulani and other correctional facilities throughout the State can do much in establishing a eucalyptus tree farm program for the benefit of all the people of Hawaii.

Your Committees on Corrections and Rehabilitation, Energy, and Water, Land Use, Development and Hawaiian Affairs, are in accord with the intent and purpose of H.R. No. 113 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 863-80 Corrections and Rehabilitation; and Education on H.R. No. 202

The purpose of this Resolution is to request the Department of Social Services and Housing, with the cooperation of the Department of Education, to conduct a study on the feasibility of implementing a full-scale vocational education and training program at the Hawaii Youth Correctional Facility (HYCF).

At the present time, programs in basic and vocational education are being offered through its Olomana School, administered by the Department of Education. However, due to security concerns and the increasing number of violent juveniles being committed to the facility, the extent of these programs are limited. The HYCF, therefore, has assumed and developed the role of providing just a custodial facility for hard core juvenile delinquents.

Your Committees believe that the role of the HYCF should be to provide a treatment center and a rehabilitative environment for youths committed to the facility by the Family Court. While it is a known fact that greater emphasis should be placed on vocational programs, a feasibility study is necessary to determine types of educational and vocational training programs that may be appropriately developed and implemented at the facility.

Your Committees have amended this Resolution by making various non-substantive changes to improve style and grammar and correct typographical errors.

Your Committees on Corrections and Rehabilitation and Education are in accord with the intent and purpose of H.R. No. 202 as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 111, H.D. 1.

Signed by all members of the Committees except Representative Ushijima.

SCRep. 864-80 Corrections and Rehabilitation on H.R. No. 111

The purpose of this Resolution is to request the Department of Social Services and Housing, with the cooperation of the Department of Land and Natural Resources and the University of Hawaii Manpower Training Office, to study the feasibility of establishing a fishing program in the Hawaii State Correctional System.

Your Committee finds that the concept of training prisoners to become skilled fishermen has merit and should be further studied. A fishing program can offer an excellent career opportunity and challenge for selected minimum security inmates who love the sea, as well as providing a training program to develop skilled fishermen for a declining industry in dire need of trained manpower.

The Resolution as introduced requested a feasibility study to establish such a program in the Hawaii State Correctional System. Your Committee received testimony, however, that a work release program conducted on regular commercial fishing vessels utilizing inmates as trainees amongst skilled crewmen may offer the best training approach. In this way, the trainees will be able to obtain a realistic view of commercial fishing as a vocation.

Your Committee has, therefore, amended the Resolve Clause of this Resolution to request that the Department of Social Services and Housing, with the cooperation of the Department of Land and Natural Resources and the commercial fishing industry, conduct a joint study on the feasibility of developing an apprenticeship program in the commercial fishing industry for selected inmates in the form of a work release program.

Your Committee has further amended the title and body of this Resolution to conform to this intent.

Your Committee on Corrections and Rehabilitation is in accord with the intent and purpose of H.R. No. 111 as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 111, H.D. 1.

Signed by all members of the Committee.

SCRep. 865-80 Corrections and Rehabilitation on H.C.R. No. 29

The purpose of this Resolution is to request the Legislative Auditor to conduct a complete, fiscal, management and program audit of all State agencies and private organizations administering programs involved with juvenile justice prevention, treatment and rehabilitation.

Your Committee received testimony from the Department of Social Services and Housing and the Family Court in favor of this Resolution. However, objections were raised by the Salvation Army regarding their inclusion in the audit, and the reference made to the cost of a juvenile committed to the Hawaii Youth Correctional Facility (HYCF) as compared to a juvenile referred to the Salvation Army Residential Treatment Facility for Children and Youth (SARTFCY).

Your Committee recognizes that SARTFCY operates as a psychiatric, residential treatment facility for emotionally disturbed children, having fundamental differences in program and operational goals to those of the HYCF. However, your Committee believes that SARTFCY's inclusion in the audit is justified in that it does receive juveniles referred to the facility by the various juvenile justice agencies.

Your Committee on Corrections and Rehabilitation is in accord with the intent and purpose of H.C.R. No. 29 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 866-80 Corrections and Rehabilitation on H.R. No. 184

The purpose of this Resolution is to request the Governor of the State of Hawaii to issue an Executive Order to set aside public land, formerly Olinda Honor Camp, for use once again as a correctional facility.

Olinda Honor Camp, consisting of approximately one hundred and fifteen (115) acres, was closed in 1973. Executive Order No. 2817 dated January 4, 1977 returned the Olinda property and camp facilities to the jurisdiction of the Department of Land and Natural Resources.

Your Committee finds that due to overcrowded conditions in our correctional facilities, posing health, safety, security problems and possible litigation against the State, immediate action is necessary to relieve in part this potentially volatile situation by the reopening of Olinda Honor Camp as a correctional facility.

Your Committee further finds that the open air, honor camp type environment Olinda offers can be of great rehabilitative value and benefit to the inmates as well as the community. When the facility was in operation, inmates engaged in community projects, including gorse control and eradication.

Your Committee on Corrections and Rehabilitation is in accord with the intent and purpose of H.R. No. 184 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 867-80

Energy on H.R. No. 98

The purpose of this resolution is to request the State Comptroller, in consultation with the State Energy Resources Coordinator, to develop and implement an energy conservation plan for all state buildings and facilities, including recommendations for legislative action to the legislature.

Your Committee is in agreement with the testimony presented by the Department of Accounting and General Services (DAGS).

Your Committee concurs with the recommendation of the Department of Accounting and General Services that they prepare and carry out an energy conservation plan for those public facilities under their operational control and those which are not under any specific department's control. However, user agencies of buildings and facilities would develop and implement their own energy conservation plans. These agencies include, but are not limited to: Department of Education, Department of Health, Department of Social Services and Housing, University of Hawaii, Department of Agriculture, Department of Budget and Finance, Department of Transportation and Department of Land and Natural Resources.

This resolution is amended to read as follows:

"BE IT RESOLVED that the State Comptroller is requested to develop and implement an energy conservation plan for those state buildings and facilities under their operational control and those which are not under any specific department's control, including recommendations for legislative action to the legislature; and

BE IT FURTHER RESOLVED that user agencies of buildings and facilities will develop and implement their own energy conservation plan, including recommendations for legislative action to the legislature; and

BE IT FURTHER RESOLVED that the State Comptroller and the respective state departments be requested to submit a progress report of the actions taken to implement an energy conservation plan to the legislature at least thirty days prior to the convening of the Regular Session of 1981."

Your Committee on Energy concurs with the intent and purpose of H.R. No. 98, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 98, H.D. 1.

Signed by all members of the Committee.

SCRep. 868-80

Energy on H.R. No. 277

The purpose of this resolution is to request the Energy Resources Coordinator to conduct a study to determine whether the addition of fossil fuel catalysts to liquid fuel for the propelling of a motor vehicle results in the reduction of energy consumption and air pollution.

Your Committee received testimony from the Department of Planning and Economic Development and concurs with their recommendation that the Energy Resources Coordinator monitor and report their findings on test results to the 1981 Legislature.

Therefore, the first BE IT RESOLVED section of the resolution is amended to read as follows:

"BE IT RESOLVED by the House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, that the Energy Resources Coordinator monitor and report on the effectiveness of fossil fuel catalysts to liquid fuel in reducing energy consumption and air pollution; and".

In accordance with the above amendment, your Committee has amended the title to read as follows: "HOUSE RESOLUTION REQUESTING THE ENERGY RESOURCES COORDINATOR TO MONITOR AND REPORT TO THE 1981 LEGISLATURE ON THE EFFECTIVENESS OF FOSSIL FUEL CATALYSTS TO LIQUID FUEL IN REDUCING ENERGY CONSUMPTION AND AIR POLLUTION."

Your Committee on Energy concurs with the intent and purpose of H.R. No. 277,

as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 277, H.D. 1.

Signed by all members of the Committee.

SCRep. 869-80 Agriculture; and Water, Land Use, Development and Hawaiian Affairs on H.R. No. 220

The purpose of this resolution urges the State Department of Land and Natural Resources to adopt a policy on state land leases for priority use or restricted use of low (bottom) lands with available gravity water to "paddy crops".

Long experience with taro cultivation in Hawaii has clearly demonstrated that taro production is most feasible under flooded culture technique. Currently taro is grown only at a few locations in the state, including Waipio Valley, Hawaii; Hanalei, Kauai; Waiahole, Oahu; and Keanae, Maui.

In a recent public hearing held by your Committee, testimony was received from a number of sources asserting that the production of taro requirement within the State for poi is decreasing. Testimony presented by the Hawaii Farm Bureau Federation points out the serious concern about the need to preserve lands which are essential for wetland taro production.

Your Committee finds there is an immense potential for the expansion of Hawaii's taro industry, provided, taro can be marketed in a form other than poi; such as chips, taro confectionary products, and whole fruit concept.

In summary, your Committee finds that the success or failure of the taro industry is depended on the availability of low (bottom) lands with available gravity water for "paddy crop" production.

Your Committees on Agriculture and Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 220 and recommends its adoption.

Signed by all members of the Committees except Representative Garcia.

SCRep. 870-80 Public Employment and Government Operations on H.R. No. 30

The purpose of this resolution is to request the Office of the Legislative Reference Bureau and the Office of the Auditor to establish a total electronic information and communication system which will place the legislative branch on parity with the executive and judicial branches and which will enable the legislative branch to utilize other State information systems.

Your Committee finds that electronic information and communication systems are valuable and important to the legislature in order to carry out its responsibilities and duties, as well as efficient daily operations.

Without adequate internal electronic information systems capability and that of independent access to other such systems in the other branches and those of other States, the ability to fully investigate, comprehend, analyze and anticipate direct and indirect consequences of legislative actions upon the current and future citizens of the State is seriously impaired.

Presently, the administrative and judicial branches have well defined missions and resources to meet their needs and goals. The legislature, through the Legislative Reference Bureau, has attempted to establish some of the fundamental components of such an electronic information and communication system. However, the effort has suffered due to the lack of adequate personnel, resources, independence, and orientation of current total system needs and capabilities.

Your Committee therefore has amended this resolution to incorporate these concerns and to have the Legislative Reference Bureau work in conjunction with the Legislative Auditor with the cooperation of the Electronic Data Processing Division, Department of Budget and Finance, and information systems managers of other State departments and agencies, to establish a total electronic information and communication system which will place the legislative branch on parity with the executive and judicial branches,

and which will enable the legislative branch to utilize other State information systems.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of H.R. No. 30, as amended herein, and recommends its referral to the Committee on Finance in the form attached hereto as H.R. No. 30, H.D. 1.

Signed by all members of the Committee.

SCRep. 871-80 Education on H.R. No. 312

The purpose of this resolution is to request the Department of Education, in consultation with the Hawaii Government Employees' Association, to develop and implement a program to promote sound resource management practices within the Department of Education.

Your Committee finds that the Department of Education (D.O.E.) budget is the largest budget allocated to a single State department, comprising approximately one-fifth of the State's total budget. Your Committee further finds that the D.O.E. is currently operating 227 public schools and servicing approximately 170,000 students. Your Committee therefore believes it is appropriate and, in fact, necessary that the D.O.E. develop and implement a program to promote sound resource management practices, taking into consideration that the various Educational Officers are directly responsible for the allocated resources.

The Department of Education testified in support of the resolution and reported that the Hawaii Government Employees' Association is also willing to cooperate with the request.

The Hawaii State Teachers' Association also testified in support of the resolution. However, they suggested that their association be involved in the consultation process, along with the Hawaii Government Employees' Association, to develop and implement a program to promote sound resource management practices within the Department of Education.

Accordingly, your Committee has amended the resolution by including the Hawaii State Teachers' Association in the consultation process and by transmitting a certified copy of the resolution to the Executive Director of the Hawaii State Teachers' Association.

Your Committee on Education concurs with the intent and purpose of H.R. No. 312, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 312, H.D. 1.

Signed by all members of the Committee.

SCRep. 872-80 Education on H.R. No. 311

The purpose of this resolution is to request the Department of Education, in consultation with the Hawaii State Teachers' Association, to develop and implement plans to control the relevancy of coursework used for the reclassification of teachers in the Department of Education.

According to section 297-31, Hawaii Revised Statutes, teachers are allowed to upgrade their classifications and therefore can increase their salaries by earning additional college credits. However, your Committee finds that although these additional credits must be approved by the Department of Education in order to be counted as advancement toward a higher classification, the coursework taken to earn the additional credits may not be necessarily related to the teacher's field of teaching, and therefore may not be promoting teaching effectiveness.

Your Committee therefore believes that more effective control should be provided over the teacher classification procedures, such that the coursework acquired by teachers would be directed toward promoting teaching effectiveness on the job.

Both the Department of Education and the Hawaii State Teachers' Association testified in support of the resolution.

Your Committee on Education concurs with the intent and purpose of H.R. No. 311 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 873-80 Legislative Management

Informing the House that House Resolution Nos. 430 to 447, House Concurrent Resolution No. 122, and Standing Committee Report Nos. 861-80 to 872-80, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 874-80 Judiciary on S.B. No. 2862-80

The purpose of this bill is to reduce the penalties for the crime of obstructing government operations from that of a misdemeanor to that of a petty misdemeanor.

At present, as a misdemeanor, sentences for conviction of the offense have been relatively light due to the philosophical bent of the courts which has minimized the gravity of the offense. Changing the offense to a petty misdemeanor will keep these cases in the district courts, for it is only in the case of misdemeanors and felonies that the right to jury trial attaches, thereby reducing the case loads on the heavily-burdened circuit courts; the end result being the expediting of the judicial process in these cases.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2862-80 and recommends that it pass Second Reading and be placed in the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 875-80 Judiciary on S.B. No. 2881-80

The purpose of this bill is to authorize the police to transport victims of spouse abuse to a hospital or other safe place by amending section 709-906, Hawaii Revised Statutes.

Current law contains no such provision.

Your Committee feels it is appropriate for the police to provide such transportation in every case in which, in the investigating officer's judgment, it appears reasonably necessary to do so and where no effective alternative means of transportation is available.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2881-80, 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. 876-80 Judiciary on S.B. No. 2861-80

The purpose of this bill is to clarify the language in Section 286-56.5, Hawaii Revised Statutes, by providing that any consul or official representative of a United States affiliated territory may obtain special license plates by presenting a letter signed by the Chief Executive to the Director of Finance.

Present law does not specifically address the situation of a consul or official representative of a United States affiliated territory obtaining special license plates.

Your Committee finds that in the case of a United States affiliated territory, a letter evidencing official representation signed by the Chief Executive is sufficient for the purpose of obtaining special license plates. An "exequatur" will not be necessary.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2861-80 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 877-80 Judiciary on S.B. No. 1835-80

The purpose of this bill is to change the legal standard in section 571-61 (b)(1)(F),

pertaining to involuntary termination of parental rights of a legal parent who is found by the Family Court to be mentally ill or mentally retarded, to be identical with the language in subsection (b)(1)(E).

Under present law, subsection (b)(1)(E) provides that parental rights may be terminated if the parent is found "to be unable to provide now and in the foreseeable future the care necessary for the well-being of the child." Subsection (b)(1)(F) of the same section provides that parental rights may be terminated if the parent is mentally ill or mentally retarded, and unable to provide "adequate care to the child."

Your Committee feels that the use of differing language to describe the degree of care that the parent must provide to continue parental rights implies that a different standard of care should be applied depending on the parent's mental condition.

Further, your Committee feels that to avoid any unnecessary confusion the language describing the degree of care required should be identical in both subsections and that parents, whether mentally ill or retarded, should be able to keep their children so long as they provide the same care required for all other parents. Accordingly, your Committee recommends favorable consideration of this bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1835-80, 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. 878-80 Judiciary on S.B. No. 2280-80

The purpose of this bill is to amend chapter 84 by making various changes, which are basically "housekeeping" type changes.

This bill has amended section 84-17(c) of the Hawaii Revised Statutes, by adding the administrative director and the deputy director of the courts to the list of those persons who must annually file a disclosure of financial interests with the State Ethics Commission. Section 84-17(g), Hawaii Revised Statutes, which currently requires a specific dollar amount where an amount is required to be reported, has been amended to provide for disclosure by range of value. Disclosure by range will ensure that privacy interests of persons filing disclosures will be afforded protection, without interfering with the purpose of the law, which is to have revealed significant financial interests.

Subsections (a) and (e) of section 84-31, Hawaii Revised Statutes, which are the procedural sections of the State Ethics Code, have been amended in this bill to make the lobbyist registration law subject to these procedures.

Section 84-32, Hawaii Revised Statutes, which is another procedural section of the Ethic Code, has also been amended to include lobbyists. This amendment provides that violations of the lobbyist law by persons also subject to certain standards of conduct as public officers and employees will be referred for prosecution to either the office of the Attorney General or the Prosecuting Attorney of the City and County of Honolulu, and that the fact of such referral will be made public by the Ethics Commission.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2280-80, 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. 879-80 Consumer Protection and Commerce on S.B. No. 2676-80

The purpose of this bill is to clarify the conditions under which a no-fault automobile insurance carrier is liable for its policy coverage.

Under present law, an insured motor vehicle is covered by its policy even if operated by a person other than the owner. This bill would restrict coverage to situations where the owner is the operator of the motor vehicle or where the operator has the express or implied permission of the insured.

Your Committee is aware that a recent United States District Court decision held that the Hawaii no-fault statute abrogates the permissive use qualifications for liability coverage, and requires liability coverage for any operator. In order to avoid the anomalous situations where an insurance carrier would be required to pay benefits for injuries or damage caused by a stolen automobile under the policy of the stolen automobile's owner, this bill would clarify Section 294-10(a), Hawaii Revised Statutes, to clearly state that liability is incurred only when an operator, other than the owner, has the permission of the owner.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2676-80, 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. 880-80 Public Employment and Government Operations on S.B. No. 2111-80

The purpose of this bill is to amend Section 76-23, Hawaii Revised Statutes, by replacing references to the masculine gender with a nonspecific gender to comply with the State's policy on equal opportunity and nondiscrimination.

The Department of Personnel Services submitted written testimony stating that they have no objections to the bill.

Your Committee agrees that the language is discriminatory and that reference to the masculine gender should be changed to nonspecific gender.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 2111-80, 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. 881-80 Public Employment and Government Operations on H.R. No. 15

The purpose of this resolution is to request the House Committee on Public Employment and Government Operations to review the State law relating to collective bargaining in public employment, Chapter 89, Hawaii Revised Statutes, and report its findings and recommendations, including any recommendations to amend the law, to the House of Representatives prior to the adjournment of the 1980 Regular Session.

Your Committee finds that it will be nearly ten years since Hawaii's collective bargaining law for public employees was enacted.

Your Committee finds the timing opportune in that all bargaining units have had their contracts recently ratified. Changes and proposed changes to this law many times are without regard to its implications and/or effects on the delicate employer-employee and employee-employee relationships, or to other provisions in the statutes. Clarifying and "fine-tuning" the law is one thing. Amending and possibly creating unanticipated adverse results is another since the general public is burdened with any negative effects.

Your Committee has amended the resolution to review the law during the interim and to report its findings and recommendations, including any amendments to the House of Representatives twenty days prior to the convening of the 1981 Regular Session.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 15, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 15, H.D. 1.

Signed by all members of the Committee.

SCRep. 882-80 Energy on H.R. No. 73

The purpose of this resolution is to request a progress report on the implementation of the residential energy conservation utility program mandated by the National Energy Conservation Policy Act of 1978.

The Governor has asked the State Public Utilities Commission to assume the "lead agency" role in preparing a State Plan for Title II and has also requested the State Public Utilities Division, as the Consumer Advocate, to assume responsibility for the report called for to the Federal Trade Commission. Accordingly, your Committee has made amendments to request that the above mentioned agencies report on their progress in implementing the mandates of Title II of the National Energy Conservation Policy Act of 1978.

Your Committee on Energy concurs with the intent and purpose of H.R. No. 73, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 73, H.D. 1.

Signed by all members of the Committee.

SCRep. 883-80 Ecology and Environmental Protection on H.C.R. No. 86

The purpose of this resolution is to urge the Legislature and the people of Hawaii to join the nation in observing Earth Day, April 22, 1980, a festival which focuses on positive, resourceful initiatives being taken to improve environmental quality and to protect our natural resources. In our State Earth Day will be celebrated during the week of April 20-26. Among the planned activities is an environmental fair to be celebrated at the University of Hawaii (Manoa) campus. Representatives from all sectors of the community will be participating.

Your Committee is in agreement with the University's testimony that it is fitting to support the formal observation of Earth Day. Earth Days have been celebrated in Hawaii for the past nine years, and serve as convenient reminders of the need for the management of environmental quality and natural resources.

Your Committee on Ecology and Environmental Protection concurs with the intent and purpose of H.C.R. No. 86 and recommends its adoption.

Signed by all members of the Committee except Representative Garcia.

SCRep. 884-80 Transportation on H.R. No. 271

The purpose of this resolution is explained by its title.

Your Committee notes that though there was no testimony presented at the public hearing and no discussion, the Federal Aviation Administration sent word they favored H.R. No. 271.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 271 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 885-80 Transportation on H.R. No. 250

The purpose of this resolution is to build a small boat harbor somewhere along the Hamakua Coast of the Big Island that would benefit distressed mariners during inclement weather or other emergency conditions.

The Department of Transportation testified in support of this resolution and recognizes that there is a need for a small boat harbor to give boats and their crews protection and refuge from harsh weather when they are unable to reach either Hilo Harbor or Kawaihae Harbor.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 250 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 886-80 Transportation on H.R. No. 255

The purpose of this resolution is to realize Haleakala Highway from Haliimaile Road

to Kula Highway junction and will consist of a two-lane highway with a truck climbing lane.

The Department of Transportation testified on this resolution. The Executive Budget has requested \$50,000 for design in Fiscal Year 1980-81. The total project cost is estimated to be \$4,921,000 and will qualify for federal-aid primary funds. The current schedule is for construction to start during Fiscal Year 1985-86.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 255 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 887-80 Transportation on H.R. No. 296

The purpose of this resolution is to authorize a jitney taxi service linking off corridor communities to the mass transit grid.

Both the Aina Haina Community Association and the Oahu Taxi Owners Association, Inc. testified in support of this resolution in order to expand public transportation in our community.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 296 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 888-80 Transportation on H.C.R. No. 95

The purpose of this resolution is to authorize a jitney taxi service linking off corridor communities to the mass transit grid.

Both the Aina Haina Community Association and the Oahu Taxi Owners Association, Inc. testified in support of this concurrent resolution in order to expand public transportation in our community.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 95 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 889-80 Legislative Management

Informing the House that House Resolution Nos. 148 to 458, House Concurrent Resolution No. 123, and Standing Committee Report Nos. 874-80 to 888-80, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 890-80 Legislative Management

Informing the House that House Resolution Nos. 459 to 468, House Concurrent Resolution Nos. 124 to 126, Standing Committee Report Nos. 891-80 to 894-80, and Conference Committee Report No. 3, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 891-80 Consumer Protection and Commerce on S.C.R. No. 12

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to make a study of the State limited branch banking law which prohibits banks from establishing more than four branches in any one of the three Honolulu zones.

Your Committee notes that both the population and economy of the State has grown rapidly since the branch banking law was last amended. Additionally, savings and

loan companies, which provide services similar to that of banks, are not so restricted in establishing branch outlets. Conversely, it has been argued that allowing banks to establish branches without limit may result in smaller, independent banks being driven out of the market, and in the overextension of capital.

Your Committee therefore agrees with the resolution to study the present statute in light of the existing circumstances for possible repeal or amendment.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of S.C.R. No. 12, S.D. 1 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 892-80 Consumer Protection and Commerce and Energy on H.R. No. 75

The purpose of this resolution is to require the Energy Resource Coordinator and the Office of Consumer Protection to review the solar system standards and other consumer protection safeguards adopted by the Solar Energy Association and by solar energy companies operating in the State.

Your Committees agree that the quality and installation of the solar water heater products, as well as antitrust ramifications, should the public utilities enter into the industry, are issues that are of importance to the consuming public. Your Committees feel that this review will also ensure that trade practices in the solar energy industry are consistent with the best interests of the consumer.

Your Committees on Consumer Protection and Commerce and Energy concur with the intent and purpose of H.R. No. 75 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Medeiros and Narvaes.

SCRep. 893-80 Health and Education on H.R. No. 358

The purpose of this resolution is to request the Department of Health, Department of Education, and Department of Accounting and General Services to report to the Legislature before the close of the 1980 session on the proposed plans to remedy the problem of asbestos materials in public schools.

The problems of asbestos-containing materials in schools is recognized as a serious potential health hazard to the safety of Hawaii's children and educators. Many individuals and organizations are concerned that the problem should be remedied in the most appropriate manner.

Those Departments involved in remedying this problem are currently in the process of planning the solutions. The Department of Health testified that the points contained in the resolution are "in keeping with the efforts of the State to eliminate this hazardous problem."

Your Committees have amended the resolution to request the Department of Health to take the lead, with the support and cooperation of the Department of Education and the Department of Accounting and General Services, and to report to the Legislature prior to the adjournment of the 1980 Session.

Your Committee on Health and your Committee on Education concur with the intent and purpose of H.R. No. 358, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 358, H.D. 1.

Signed by all members of the Committees.

SCRep. 894-80 Health and Education on H.C.R. No. 110

The purpose of this concurrent resolution is to request the Department of Health, Department of Education, and Department of Accounting and General Services to report to the Legislature before the close of the 1980 session on the proposed plans to remedy

the problem of asbestos materials in public schools.

The problems of asbestos-containing materials in schools is recognized as a serious potential health hazard to the safety of Hawaii's children and educators. Many individuals and organizations are concerned that the problem should be remedied in the most appropriate manner.

Those Departments involved in remedying this problem are currently in the process of planning the solutions. The Department of Health testified that the points contained in the concurrent resolution are "in keeping with the efforts of the State to eliminate this hazardous problem."

Your Committees have amended the concurrent resolution to request the Department of Health to take the lead, with the support and cooperation of the Department of Education and the Department of Accounting and General Services, and to report to the Legislature prior to the adjournment of the 1980 session.

Your Committee on Health and your Committee on Education concur with the intent and purpose of H.C.R. No. 110, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 110, H.D. 1.

Signed by all members of the Committees.

SCRep. 895-80 Legislative Management

Informing the House that House Resolution Nos. 469 to 474, House Concurrent Resolution Nos. 127 to 131, and Standing Committee Report Nos. 896-80 to 903-80, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 896-80 Corrections and Rehabilitation on H.R. No. 78

The purpose of this resolution is to request the Office of the Legislative Reference Bureau to conduct a study on the correctional facilities in Hawaii. The scope of this study should focus on the overcrowded conditions, ways to increase the capacity of the correctional facilities, cost effectiveness of the system, and the monitoring of the effectiveness of prison and parole services.

Your Committee finds that overcrowded conditions in our correctional facilities poses serious threats to the health and safety of inmates, corrections staff and seriously impairs the mission of the Correctional System. A thorough evaluation of the system should be conducted to enable the Corrections Division to effectively respond to the ever increasing prison population. Recent events in prison facilities in other states, faced with similar problems, should serve as adequate warning to us.

Your Committee on Corrections and Rehabilitation is in accord with the intent and purpose of H.R. No. 78 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Garcia.

SCRep. 897-80 Corrections and Rehabilitation on H.R. No. 64

The purpose of this resolution is to request the Legislative Auditor to conduct a complete investigation of the administration and operations of the Hawaii Youth Correctional Facility. The resolution also requests that the Legislative Auditor conduct this study and submit its findings and recommendations to the Legislature prior to the convening of the Regular Session of 1981.

In the recent past, there have been numerous allegations of suicide attempts by juveniles committed to the Hawaii Youth Correctional Facility. There also have been reports of inadequate security, high staff turnover, increase in sports related accidents and even allegations of physical abuses of resident juveniles in the Facility.

Your Committee believes that an investigation of the administration and operations of the Hawaii Youth Correctional Facility will assure just treatment of juveniles committed to the facility by the Family Court and will substantiate or dispel any adverse allegations

presently being made.

Your Committee on Corrections and Rehabilitation is in accord with the intent and purpose of H.R. No. 64 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Garcia.

SCRep. 898-80 Corrections and Rehabilitation and Judiciary on H.R. No. 65

The purpose of this resolution is to request the Legislative Reference Bureau to study current Hawaii Statutes on the treatment of prisoners who are mentally ill and the effect a "Guilty But Mentally Ill" verdict would have upon treatment.

At present, Hawaii Statutes provide only for pleas of guilty or not guilty, with "mental disease, disorder or defect" available as a defense. In a finding of "mental disease, disorder or defect" a person is not responsible for his actions and is acquitted. Your Committees believe that there are cases in which it is advisable to hold a person criminally responsible for his actions while providing treatment for his condition.

The State of Michigan accomplishes this through a criminal verdict called "Guilty But Mentally Ill". A person convicted by this verdict is found to be guilty of the crime but mentally ill, is confined and receives psychiatric treatment for his mental illness. If he is subsequently found to be cured, he is still required to serve the remaining term of his sentence in prison.

Your Committees find that identification and treatment of prisoners in need of mental health services is a serious problem in our correctional system. Furthermore, your Committees believe that it is the responsibility of the State to provide such services while, at the same time, protecting the public from dangerous persons.

Your Committees on Corrections and Rehabilitation and Judiciary are in accord with the intent and purpose of H.R. No. 65 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representative Garcia.

SCRep. 899-80 Education and Higher Education on H.R. No. 210

The purpose of this resolution is to request the Department of Education to study various means or methods by which to help remedy student reading problems or difficulties, and to improve the overall reading ability and performance of our public school students.

Your Committees believe that reading is perhaps the most important skill to master as it is essential to the learning of other skills and subjects while in school, and to effectiveness and success in life after high school education. However, your Committees find that as a whole Hawaii's public school students perform below the national average in reading achievement, as illustrated by test scores on the Stanford Achievement Test.

Therefore, your Committees believes it is appropriate and, in fact, necessary that the Department of Education do a thorough study of methods by which the reading skills and achievement of our public school students can be improved. This study should include the feasibility of strengthening the Department's requirements for certification in reading and the feasibility of hiring teachers who are specially certified to teach reading.

Both the Department of Education and the University of Hawaii's College of Education reported that they will cooperate with the request.

Your Committees have made nonsubstantive, technical amendments to the resolution.

Your Committees on Education and on Higher Education concur with the intent and purpose of H.R. No. 210, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 210, H.D. 1.

Signed by all members of the Committees except Representative Anderson.

SCRep. 900-80 Education and Higher Education on H.C.R. No. 61

The purpose of this concurrent resolution is to request the Department of Education to study various means or methods by which to help remedy student reading problems or difficulties, and to improve the overall reading ability and performance of our public school students.

Your Committees believe that reading is perhaps the most important skill to master as it is essential to the learning of other skills and subjects while in school, and to effectiveness and success in life after high school education. However, your Committees find that as a whole Hawaii's public school students perform below the national average in reading achievement, as illustrated by test scores on the Stanford Achievement Test.

Therefore, your Committees believes it is appropriate and, in fact, necessary that the Department of Education do a thorough study of methods by which the reading skills and achievement of our public school students can be improved. This study should include the feasibility of strengthening the Department's requirements for certification in reading and the feasibility of hiring teachers who are specially certified to teach reading.

Both the Department of Education and the University of Hawaii's College of Education reported that they will cooperate with the request.

Your Committees have made nonsubstantive, technical amendments to the concurrent resolution.

Your Committees on Education and on Higher Education concur with the intent and purpose of H.C.R. No. 61, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 61, H.D. 1.

Signed by all members of the Committees except Representative Anderson.

SCRep. 901-80 Education on H.R. No. 233

The purpose of this resolution is to request the Department of Education to expand its vocational education program.

Your Committee believes that students throughout the state should be provided with greater access to vocational education programs such that they would be better trained and prepared to enter various employment fields upon completion of their education.

The Department of Education testified in support of the resolution and indicated that they are planning to expand their vocational education course offerings in high schools, contingent on the availability of funds.

The State Employment and Training Council also testified in support of the resolution.

Your Committee on Education concurs with the intent and purpose of H.R. No. 233 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Anderson.

SCRep. 902-80 Youth and Elderly Affairs on H.R. No. 414

The purpose of this resolution is to request the Committee on Youth and Elderly Affairs to review the State Policy on Senior Centers approved by the Legislature in 1977.

The Executive Office on Aging supports adoption of the resolution and agrees to cooperate with and assist your Committee to carry out this review.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of H.R. No. 414 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 903-80 Culture and the Arts; and Water, Land Use, Development and
Hawaiian Affairs on H.R. No. 395

The purpose of this Resolution is to request the Bishop Museum to conduct a study on the feasibility of establishing a cultural center on the grounds of the Bishop Museum. The Resolution further requests that the Hawaii Multi-Cultural Center and the State Foundation on Culture and the Arts assist the Bishop Museum in this study.

Your Committees heard testimony favorable to the Resolution, from staff members of the Bishop Museum, Hawaii Multi-Cultural Center, and the State Foundation. All the same, specific suggestions for amendment were offered such that the study be considered preliminary, so that the Legislature after reviewing the findings and recommendations of the study would then be able to decide whether or not appropriations should be made for a full-scale feasibility study, and that the location of a cultural center not be restricted to only the grounds of the Bishop Museum, so that the three agencies conducting the study would have more flexibility in discussions.

The above amendments were made such that "preliminary study" should be substituted for "study" in the title and text, and that the phrase "or other suitable site" should be added after the phrase "on the grounds of the Bishop Museum" in the title and text.

Your Committees on Culture and the Arts and on Water, Land Use Development, and Hawaiian Affairs concur with the intent and purpose of H.R. No. 395, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 395, H.D. 1.

Signed by all members of the Committees except Representatives
Garcia and Anderson.

SCRep. 904-80 Water, Land Use, Development and Hawaiian Affairs on H.R. No.
285

The purpose of this resolution is to request the Department of Land and Natural Resources to develop a strategy in close cooperation and coordination with the various community and interest groups in the North Kohala District for the management and protection of the cultural, natural, and recreational resources of North Kohala and to submit a report of its study to the Legislature prior to the convening of the 1981 Regular Session.

Your Committee finds that this measure is a necessary and constructive step towards the ultimate development of a holistic preservation and management strategy for North Kohala's continuing transition.

Your Committee heard testimony by the Department of Land and Natural Resources in support of this resolution stating that the Department has already taken steps to develop such a strategy.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 285 and recommends that it be referred to the Committee on Finance.

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

SCRep. 905-80 Water, Land Use, Development and Hawaiian Affairs on
H.C.R. No. 89

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to develop a strategy in close cooperation and coordination with the various community and interest groups in the North Kohala District for the management and protection of the cultural, natural, and recreational resources of North Kohala and to submit a report of its study to the Legislature prior to the convening of the 1981 Regular Session.

Your Committee finds that this measure is a necessary and constructive step towards the ultimate development of a holistic preservation and management strategy for North Kohala's continuing transition.

Your Committee heard testimony by the Department of Land and Natural Resources

in support of this concurrent resolution stating that the Department has already taken steps to develop such a strategy.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 89 and recommends that it be referred to the Committee on Finance.

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

SCRep. 906-80 Legislative Management

Informing the House that House Resolution Nos. 475 to 498, House Concurrent Resolution Nos. 132 to 140, and Standing Committee Report Nos. 904-80 and 905-80, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 907-80 Ocean and Marine Resources on H.R. No. 372

The purpose of this Resolution is to request the Department of Land and Natural Resources to update and improve existing fish and game regulations and statutes, and to submit its findings and recommendations to the Legislature twenty days prior to the convening of the Regular Session of 1981.

Testimony before your Committee by the Department of Land and Natural Resources reveals that since the management of fish and game resources concerns allocation of the living renewable resources in line with our ever changing socio-economic values, some of the present rules, regulations and statutes that apply to fish and game understandably may be outdated. Hence, the Department in 1978, submitted a project proposal and gained approval from the Federal Office of Coastal Zone Management for the 1978-79 fiscal period to review "Land Laws" under Title 12, Chapters 171 to 196, Hawaii Revised Statutes including the rules and regulations established thereto. This review was undertaken by the Office of the Attorney General which essentially recommended updating, combining, and codifying the statutes, rules and regulations of the department.

Your Committee finds that Act 216 of 1979 was adopted requiring all State agencies to revise their existing regulations within the next 14 months to be consistent with a uniform format provided by the Revisor of Statutes. This will enable the Legislature to review all rules and determine whether or not they are in line with the statute under which they are adopted.

Your Committee further finds that a uniform format and index for such rules would also allow maximum citizen access and use.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 372 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Garcia.

SCRep. 908-80 Ocean and Marine Resources on H.R. No. 376

The purpose of this Resolution is to request the Department of Land and Natural Resources to provide guidelines and recommendations for the implementation of Article XI of the Constitution of the State of Hawaii concerning licensing of mariculture operations.

Testimony before your Committee by the Department of Land and Natural Resources reveals that in the report to the Legislature on House Resolution 474, SLH 1979, the department concurred that mariculture development is an important aspect of aquaculture which should be explored by the State. In addition, a joint DLNR-DPED Project entitled: "An Analysis of Factors to be Considered in Developing Guidelines for the Licensing and Regulation of Coastal and Offshore Mariculture Operations in Hawaii" was submitted for financial support under the State's Coastal Zone Management Program for 1979-80, but funding was delayed.

Your Committee finds that the above mentioned report has now been favorably received and the project will begin in the next few weeks. The study will be carried out by

a consultant with expertise in environmental law and the law of the sea, with assistance of staff expertise in the Department of Land and Natural Resources and the Department of Planning and Economic Development.

Your Committee concurs with the intent and purpose of H.R. No. 376 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Garcia.

SCRep. 909-80 Water, Land Use, Development and Hawaiian Affairs on
H.C.R. No. 124

The purpose of this concurrent resolution is to approve the development of parcels of land in North Kona for industrial, business and other comparable and permissible uses and to authorize the Department of Land and Natural Resources to develop parcels of land for such uses.

Your Committee finds that there is substantial demand for industrial land in North Kona on the island of Hawaii, and that the State has suitable land located in the Kealakehe Tract which might be used for the development of an industrial park pursuant to H.R.S. section 176-60. In order for the Department of Land and Natural Resources to proceed, however, H.R.S. section 171-60 requires the prior legislative authorization by concurrent resolution, and the Governor's approval.

Your Committee received testimony in support of this concurrent resolution from the Department of Land and Natural Resources which cited the Department's willingness to explore the feasibility of developing the Kealakehe Tract in conjunction with a private developer and to proceed under the provisions of section 171-60 once so authorized by the Governor and by a concurrent resolution by the legislature.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 124 and recommends that it be referred to the Committee on Finance.

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

SCRep. 910-80 Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 341 (Majority)

The purpose of this resolution is to request the Department of Land and Natural Resources to extend all existing and expired cooperative agreements with prawn pond operators and to continue to provide these operators with the necessary stock of juvenile prawns.

Your Committee heard testimony in support of this measure by the Department of Land and Natural Resources and by the Department of Planning and Economic Development, which noted that that portion of the State assistance policy to farmers involving provision of stocking material by the State is being re-evaluated, since stocking material is now available for sale by the private sector.

In view of this and other testimony presented at the hearing on this measure, your Committee finds that provision of stocking material by the State through the Anuenue Fisheries Research Center should be phased out in favor of such provision by private hatcheries. Your Committee has therefore amended this resolution by (1) adding a new "WHEREAS" clause providing that the State should recognize the role of private hatcheries as a potential source of juvenile prawns; and (2) adding a new "BE IT RESOLVED" clause requesting the Department of Land and Natural Resources to formulate and implement a plan for the phasing out of the provision of such stock to the industry by the Anuenue Fisheries Research Center in favor of provision by private hatcheries, and requesting the Department of Land and Natural Resources to furnish the Legislature with a comprehensive report concerning the details and rationale of the proposed plan, and the actions taken to implement it as of the date of the report.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 341, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 341, H.D. 1.

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

SCRep. 911-80 Water, Land Use, Development and Hawaiian Affairs; and Ocean
and Marine Resources on H.R. No. 373

The purpose of this resolution is to request the Department of Land and Natural Resources to begin negotiations with the Bishop Estate for the use of Heeia-Kea fishpond for the culture of limu in support of community and educational programs proposing limu farming. The resolution also requests the Department to submit a report of its findings to the Legislature twenty days prior to the convening of the Regular Session of 1981.

The Heeia-Kea fishpond owned by the Bishop Estate is currently on both the Hawaii and National Register of Historic Places.

Testimony received from the Department of Land and Natural Resources stated that it is their belief that the use of certain ancient Hawaiian fishponds may benefit the State's aquaculture and historical preservation programs, provided that necessary modifications to such fishponds do not detract from their historical and cultural characteristics. Although the cultivation of limu may not be regarded as preserving the original historical and cultural usage of the Heeia-Kea fishpond, the Department regards limu farming as a compatible adaptive use.

Your Committees agree with KEY Project, Heeia-Kea and Meadowlands Community Association that it is important to stimulate community development that reflects the ideas, sentiments and lifestyle of the people. Limu cultivation is one way of fulfilling this goal.

Your Committees have amended this resolution in the BE IT RESOLVED section, by requesting the Bishop Estate to consider allowing the use of the Heeia-Kea fishpond to interested organizations for the culture of edible limu.

For consistency, your Committees have relabeled the function by the Department of Land and Natural Resources to the first BE IT FURTHER RESOLVED clause in which the Department is requested to begin negotiations with Bishop Estate for the use of Heeia-Kea fishpond by interested organizations for the culture of edible limu.

Your Committees have further made technical, non-substantive amendments to the resolution.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Ocean and Marine Resources concur with the intent and purpose of H.R. No. 373, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 373, H.D. 1.

Signed by all members of the Committees except Representatives
Garcia and Anderson.

SCRep. 912-80 Education and Health on H.R. No. 332

The purposes of this resolution are (1) to instruct the Hawaii Society for Autistic Children to cooperate with the Departments of Education and Health to create a special classification for autistic children, (2) for the Departments of Education and Health to provide adequate diagnostic services to aggressively search out and identify such autistic children, and (3) for the Departments of Education and Health to provide these children with adequate learning environments, and the opportunity to maximize their abilities and potentials.

Presently, autistic children are classified as "severely emotionally disturbed." Among the characteristics of autistic children are an inability to relate to people, speech deficiencies, eating problems, and a preservation of sameness in their surroundings. They also, however, are characterized as having a physical handicap in the form of a neurological disorder, while severely emotionally disturbed children do not have this neurological disorder.

Your Committees heard testimonies against the resolution from the Department of Education, the Department of Health, and the University of Hawaii's Department of

Special Education. The testimonies presented indicated that the individualized education program, which is prepared for the handicapped child, suffices in treating the child according to his or her specific individual needs.

Your Committees also heard testimonies in support of the resolution from the State Planning Council on Developmental Disabilities, the Protection and Advocacy Agency of Hawaii, the Hawaii Society for Autistic Children, Parents for the Educational Rights of Children with Handicaps, an Associate Professor of Psychiatry at the University of Hawaii's John A. Burns School of Medicine, a Doctor of Psychiatry at Tripler Army Medical Center, diagnostic and special education personnel, and parents of autistic children. The testimonies presented indicated that autistic children are different from severely emotionally disturbed children in physical and behavioral aspects, and, therefore, the methods used for emotionally disturbed children are not suited for autistic children. Because of their unique impairments, autistic children require specific diagnostic and training programs.

Your Committees agree that autistic children would receive better educational and health services if they were classified and serviced independently from the severely emotionally disturbed. Your Committees therefore believe that a special classification for autistic children should be created to prevent confusion and problems which may occur from the misclassification of these children, and to optimize the services provided to them.

Your Committees on Education and on Health concur with the intent and purpose of H.R. No. 332 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 913-80 Ocean and Marine Resources on H.C.R. No. 111

The purpose of this House Concurrent Resolution is to request the Department of Land and Natural Resources to provide guidelines and recommendations for the implementation of Article XI of the Constitution of the State of Hawaii concerning licensing of mariculture operations.

Testimony before your Committee by the Department of Land and Natural Resources reveals that in the report to the Legislature on House Resolution No. 474, SLH 1979, the department concurred that mariculture development is an important aspect of aquaculture which should be explored by the State. In addition, a joint DLNR-DPED Project entitled: "An Analysis of Factors to be considered in Developing Guidelines for the Licensing and Regulation of Coastal and Offshore Mariculture Operations in Hawaii" was submitted for financial support under the State's Coastal Zone Management Program for 1979-80, but funding was delayed.

Your Committee finds that the above mentioned report has now been favorably received and the project will begin in the next few weeks. The study will be carried out by a consultant with expertise in environmental law and the law of the sea, with assistance of staff expertise in the Department of Land and Natural Resources and the Department of Planning and Economic Development.

Your Committee concurs with the intent and purpose of H.C.R. No. 111 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Garcia.

SCRep. 914-80 Ocean and Marine Resources and Transportation on H.R. No. 374

The purpose of this Resolution is to request the Department of Transportation, in cooperation with the Department of Land and Natural Resources and Planning and Economic Development, to report on its plans for siting of the Commercial Fishing Industry. In addition, the resolution also calls for a progress report on the status of renegotiation efforts of the Hawaiian Tuna Packers, Inc., cannery lease from the Department of Transportation.

Testimony before your Committees by the Department of Land and Natural Resources reveals that the Hawaii Fisheries Development Plan identifies harbor and shoreside infrastructure needs as general constraints restricting the growth of the fishing industry in Hawaii. In fact, the shortage of adequate dock space for commercial fishing vessels

is regarded by the Plan to be the major constraint on the growth of the fishing industry.

Your Committees find that most of the existing commercial fisheries infrastructure facilities are located around Kewalo Basin. However, the shortage of berthing space to adequately dock commercial fishing, charter and tour vessels, and the general competitive uses of the area between commercial fishing and tourist-related activities point to a need for the ultimate decision on whether or not Kewalo Basin should be for the commercial fishing or tourist industry.

Further testimony before your Committees by the Department of Transportation reveals that they are presently developing concepts for the accommodation of commercial fishing vessels, charter fishing craft and cruise boats within Honolulu Harbor and Kewalo Basin which could be integrated into the 1955 Honolulu Harbor Master Plan.

The Department of Transportation further testified that the renegotiation of the Hawaiian Tuna Packers, Inc. cannery lease is underway. For the long range, the proposed master plan for Kewalo Basin will consider the requirements relating to the retention of the cannery and the creation or retention of other supporting facilities.

Your Committee on Ocean and Marine Resources and the Committee on Transportation concur with the intent and purpose of H.R. No. 374 and recommends that it be referred to the committee on Finance.

Signed by all members of the Committees except Representative Garcia.

SCRep. 915-80 Consumer Protection and Commerce on S.B. No. 2520-80

The purpose of this bill is to prevent the imposition of a retroactive penalty against industrial loan companies, licensed under Chapter 408, Hawaii Revised Statutes, which act in reliance on an interpretation by the Hawaii Supreme Court, or a rule or regulation of the bank examiner that is subsequently amended or nullified.

This bill would codify the normal legal practice of interpreting contracts and other documents in reference to the statutes and regulations existing at the time of creation or execution. To do otherwise may lead to results unforeseen by the parties. Your Committee therefore agrees with the intent of the bill. Your Committee further notes that coverage under this bill would be limited to situations where the industrial loan company was in fact in full compliance with the applicable statute or rule and that it is not your Committee's intention that good faith be deemed a defense for non-compliance.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2520-80 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 916-80 Consumer Protection and Commerce on S.B. No. 871

The purpose of this bill is to allow companies and government agencies with a fleet of 25 or more clearly-marked commercial motor vehicles, commercial trailers, or passenger automobiles to apply for permanent fleet vehicle registration upon payment of normally required fees.

Your Committee heard testimony from the Hawaiian Telephone Company stating that this bill will eliminate the time-consuming annual vehicle registration procedure and replace it with a permanent registration procedure, including registration controls and fees, as determined by the Directors of Finance of the various counties. Your Committee finds that a permanent registration procedure will provide overall cost-savings for both government and business.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 871, 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 Aki and Masutani.

SCRep. 917-80 Housing and Consumer Protection and Commerce on S.B.
No. 3098-80

The purpose of this bill is to correct the Constitutional deficiencies in the Land Reform Act, Chapter 516, Hawaii Revised Statutes, as outlined by Judge Samuel P. King of the United States District Court in his decision in Midkiff v. Tom and Wai-Kahala Tract "H" Association (May 9, 1979).

The present provision for mandatory arbitration upon the failure of negotiations between lessor and lessee was deemed unconstitutional. This bill deletes the mandatory arbitration provision in its entirety and provides for "preliminary negotiation" between lessor and lessee with the final decision of condemnation falling to the Hawaii Housing Authority.

This bill also changes the definition of "owner's basis" in Section 516-1, Hawaii Revised Statutes, from the "current fair market value" to the value that would apply if the lessor's leased fee interest were normally traded on an open market. Currently, the value must be determined by either of two stipulated methods; this bill provides that in addition, the value may be determined by "any other method which is normally used by qualified appraisers in establishing the fair market value of a lessor's leased fee interest in land."

Your Committees received favorable testimony from the Hawaii Housing Authority. Your Committees also received supporting testimony from various community organizations involved in converting their residential properties from leasehold to fee simple ownership including the Enchanted Hills Association, the Kamiloiki Community Association, Inc., the Maunaloa Triangle-Koko Kai Community Association, the Lunalilo Marina Community Association and the Mariner's Ridge and Mariner's Cove Leasehold/Fee Conversion Committee. Those testifying urged prompt action in correcting the Constitutional problem in order that leasehold conversions may proceed without further delay and uncertainty.

Your Committees on Housing and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 3098-80, 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. 918-80 Water, Land Use, Development and Hawaiian Affairs on
S.B. No. 43

The purpose of this bill is to implement Article XV of the Constitution of the State of Hawaii as proposed by the Hawaii Constitutional Convention of 1978 and ratified by the voters on November 7, 1978, and pertaining to State Boundaries. This amendment provides that the State's boundaries include the archipelagic waters between the islands.

Although the State cannot unilaterally change its boundaries by amending its Constitution or by statute, the intent of Article XV, Section 1 is not to alter such boundaries but to set forth the State's understanding of its boundaries and to express this intent in the Hawaii Revised Statutes.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of S.B. No. 43 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Garcia.

SCRep. 919-80 Finance on S.B. No. 2197-80

The purpose of this bill is to delete the requirement that purchases of articles and products manufactured by correctional industries be made through the Department of Accounting and General Services. This bill would also abolish the board which grants exceptions under the mandatory provisions of Section 354-3.

Present statute requires that all purchases from correctional industries be made through the Department of Accounting and General Services. In actual practice, however, the correctional industries receive 80-85 per cent of its work directly from the requesting agencies, printing being the principle product.

Further, the board established under Section 354-4 very rarely grants exceptions from the requirement of Section 354-3. All exceptions are presently made by the correctional industries staff, in availing its products or services directly to the various state agencies. The present process seems to be operating in a satisfactory manner, therefore, your Committee believes the statutes should be amended to reflect actual practice.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2197-80, 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. 920-80 Finance on S.B. No. 2357-80

The purpose of this bill is to conform the state insurance administration procedure to the constitutional requirement on the lapsing of appropriations of general funds.

The 1978 amendment of Article VII, section 11, of the State Constitution requires that any appropriation which is to be paid from the general fund of the State shall be for a specified period of time not exceeding three years. To conform to this requirement, this bill deletes the provision which permits appropriation from the general fund at any time the amount needed for the state insurance fund to meet its obligations.

Your Committee agrees that the change proposed by this bill requiring the submittal to the legislature of the request for an appropriation for the state insurance fund will conform to budgetary procedure and will meet the constitutional requirement.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2357-80, 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. 921-80 Finance on S.B. No. 2359-80

The purpose of this bill is to conform HRS section 127-11 to the constitutional requirement regarding the lapsing of appropriations of general funds.

The 1978 amendment of Article VII, section 11, of the State Constitution requires that any appropriation which is to be paid from the general fund of the State shall be for a specified period of time not exceeding three years. To conform to this requirement, this bill terminates the open-ended appropriation from the State's general revenues for the purpose of disaster relief under HRS section 127-11. This bill adds provisions to require budgetary submittal to the legislature of request for funds for disaster relief. Your Committee agrees that this proposed change to conform to budgetary procedure will meet the constitutional requirement.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2359-80, 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. 922-80 Finance on S.B. No. 2473-80

The purpose of this bill is to amend the definitions in section 37-62, Hawaii Revised Statutes, for general obligation bonds, general obligation reimbursable bonds, reimbursable general obligation bonds, and revenue bonds.

This bill is a housekeeping measure which conforms the statutory definition of the various types of bonds to the definition of the bonds as used in Article VII, section 12, of the State Constitution.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2473-80 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 923-80 Finance on S.B. No. 2225-80

The purpose of this bill is to recognize recent changes in the health services industry by expanding the authority of the board of trustees to contract with health maintenance organization plans that provide and arrange health services for members on a prepaid basis.

When the law was enacted in 1961, the Kaiser Foundation Health Plan was the only comprehensive group-practice prepayment plan available in Hawaii. Their physicians represented at least three major medical specialties and received all or a substantial part of their professional income from prepaid premiums.

In 1973, the Federal Health Maintenance Organization Act was passed to require private sector employers with 25 or more employees to offer prepaid systems specializing in preventive medicine and family health care for subscribers as an alternative to traditional health benefit plans if such prepaid systems were available.

In Hawaii today, HMSA's Community Health Program, through physician-owned medical centers, offers prepaid health care services to their subscribers similar to the Kaiser Plan. These physicians also maintain their regular fee-for-service business.

A change in the Health Fund Law at this time is needed to permit the board of trustees to contract with HMOs whose benefit plans will reduce total out-of-pocket medical expenses of public employees and their dependents.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2225-80 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 924-80 Finance on S.B. No. 2214-80

The purpose of this bill is to reorganize the insurance division of the Department of Regulatory Agencies by authorizing the director to appoint an assistant insurance commissioner and abolishing the position of motor vehicle insurance commissioner.

The passage of the Motor Vehicle Accident Reparations Act in 1973 established the Motor Vehicle Insurance Division with the purpose of implementing and administering the Act. All insurance other than motor vehicle insurance is regulated by the director of regulatory agencies as insurance commissioner.

Over the past six years, the no-fault insurance program has been successfully implemented and is currently functioning according to legislative intent. The administration of the Motor Vehicle Insurance Division in relation to the administration of other forms of insurance has led to some questions of jurisdictional authority and duplication of effort among staffing in areas such as regulation, licensing, maintenance of records, and investigation. Your Committee believes that consolidation of the two divisions will eliminate the problems created by the dual administration system and will result in more efficient functioning of insurance regulation.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2214-80, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 925-80 Finance on S.B. No. 2278-80

The purpose of this bill is to increase sheriff's or police officer's fees and mileage allowances for serving any district court criminal summons, warrant, and the like and to make the same adjustments for service of circuit court criminal process.

Under current law fees for service of criminal process have remained the same since 1975. Moreover, the present mileage allowance has been in effect since 1978.

Your Committee feels that inflation has so eroded the fees now received that adjustments are necessary to enable sheriffs and police officers to continue these services. Accordingly, your Committee supports the increase in the mileage allowance.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2278-80, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 926-80 Finance on S.B. No. 1991-80

The purpose of this bill is to eliminate the statutory examination fee for prospective securities salesmen and to permit the commissioner of securities to set such fee.

Under present law the fee is set at \$10 for the state examination. The Department of Regulatory agencies is considering requiring applicants to take the Uniform Securities Agent State Law Examination, a national exam, instead of the present Hawaii state exam in order to obtain a license. Your Committee agrees that this bill will provide the necessary flexibility to the commissioner of securities to adjust required fees for the future and in the event such exam should be adopted. Your Committee also agrees that the adjustment of fees by agency rule making rather than by statutory amendment is preferable.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1991-80 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 927-80 State General Planning; and Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 60

The primary purpose of this concurrent resolution, as received by your Committees is to adopt the State Water Resources Development Plan of January, 1980, (prepared by the Department of Land and Natural Resources and as submitted to the Legislature) "as a functional plan for the State of Hawaii in furtherance of Chapter 226, Hawaii Revised Statutes."

Your Committees have amended the original primary purpose so that the primary purpose of the amended concurrent resolution is to have the State Water Resources Development Plan of January, 1980, (prepared by the Department of Land and Natural Resources and as submitted to the Legislature) serve as the primary technical reference document for the State functional plan for water resources development and, in accordance with Chapter 226, Hawaii Revised Statutes, to have the plan as set forth in Exhibit A, attached to the amended concurrent resolution, be adopted as the State Water Resources Development Functional Plan.

The Hawaii State Planning Act (Act 100, SLH 1978; now Chapter 226, Hawaii Revised Statutes) requires the preparation of functional plans in specified areas for submittal to the Legislature for review, modification, and, as appropriate, adoption of each functional plan by concurrent resolution. The functional plans are designed to implement the broad goals, objectives, policies, and priority directions contained in the Hawaii State Planning Act, also referred to as the Hawaii State Plan, Chapter 226, Hawaii Revised Statutes and, accordingly, set forth specific policies, programs, and projects designed to implement the objectives of a specific field of activity, when such activity or program is proposed, administered, or funded by any agency of the State.

In accordance with the provisions of Chapter 226, Hawaii Revised Statutes, the Department of Land and Natural Resources prepared the State Water Resources Development Plan of January, 1980, designed to implement the objective for water in Hawaii and the plan has been submitted to the Tenth Legislature during the Regular Session of 1980.

Upon review, your Committees find that the State Water Resources Development Plan, as submitted, needs to be modified to more accurately reflect the desired policies, programs and projects of the Legislature with respect to water and to more accurately meet the content requirements in the definition of "functional plan" specified in Chapter 226, Hawaii Revised Statutes.

Although the State Water Resources Development Plan of January, 1980, provides useful background data on issues and problems relating to water in Hawaii, your Committees find that such information should not be included as a part of the functional plan for water resources development in order to comport to the requirements of Chapter 226, Hawaii Revised Statutes, relating to functional plans. The deletion of such background data from the State Water Resources Development Functional Plan and the format changes

to the Plan of January, 1980, are intended to improve the clarity and organization, and to reduce the excessive length of the functional plan for water resources development in order to make said functional plan a more effective and readily useable document.

In view of the foregoing, your Committees have modified the State Water Resources Development Plan of January, 1980, (prepared by the Department of Land and Natural Resources) and, using said Plan as a base document, have prepared the plan set forth in Exhibit A, attached to the concurrent resolution, for adoption as the State Water Resources Development Functional Plan in accordance with Chapter 226, Hawaii Revised Statutes. Your Committees intend, however, that the State Water Resources Development Plan of January, 1980, serve as the primary technical reference document for the State Water Resources Development Functional Plan (Exhibit A).

Your Committees note that the State Water Resources Development Functional Plan (Exhibit A) assigns the overall responsibility for the administration and implementation of the State Water Resources Development Functional Plan to the Department of Land and Natural Resources and consists primarily of the priority objectives, policies, and implementing actions contained in the State Water Resources Development Plan with minor modifications made by the Committees.

Subsequent to your Committees' review and modification of the State Water Resources Development Plan and the preparation of Exhibit A, the Committees have amended the various "Whereas" clauses of the original concurrent resolution in order to:

- (1) Clarify and set forth the requirements of the Hawaii State Plan in greater detail, particularly with respect to the preparation and adoption of functional plans;
- (2) Add a "Whereas" clause which states the Hawaii State Plan objective for water in Hawaii; and
- (3) Add a "Whereas" clause which states that the Legislature has reviewed the State Water Resources Development Plan of January, 1980 and finds that the State Water Resources Development Plan should be modified in order to more effectively coordinate and direct the actions of State and county agencies with respect to water.

Your Committees have also amended the various "Resolved" clauses of the concurrent resolution so that now:

- (1) The State Water Resources Development Plan of January, 1980, prepared by the Department of Land and Natural Resources, serves as the primary technical reference document for the State functional plan for water resources development rather than as the State functional plan for water resources development;
- (2) The plan set forth in Exhibit A attached to the concurrent resolution is adopted as the State functional plan for water resources development in accordance with Chapter 226, Hawaii Revised Statutes, and hereafter be referred to as the State Water Resources Development Functional Plan; and
- (3) The Department of Land and Natural Resources is required to:
 - (a) Annually submit to the State Plan Policy Council and the Legislature a complete and detailed progress report on the implementation of the State Water Resources Development Functional Plan, including any attendant problems requiring review or action by the Policy Council or the Legislature;
 - (b) Revise the State Water Resources Development Plan of January, 1980 to make it consistent with the State Water Resources Development Functional Plan (Exhibit A) as adopted by the Legislature;
 - (c) Conduct a comprehensive review and revision of the State Water Resources Development Plan at least once every four years, commencing in 1982, so that it is consistent and complies with the Hawaii State Plan, and, as may be necessary, with the State Water Resources Development Functional Plan (Exhibit A);
 - (d) Review the implementing actions contained in the State Water Resources Development Functional Plan (Exhibit A) at least once every even-numbered year, commencing in 1980, and update them if necessary to ensure that such implementing actions are consistent with Part III (Priority Directions), and other relevant provisions of the Hawaii State Plan; and

(e) Submit, to the Policy Council and the Legislature during the appropriate regular sessions, its findings and recommendations, including any related budget recommendations, to update, revise, or otherwise amend or improve the State Water Resources Development Functional Plan.

In summary, the purposes of these amendments to the "Be It Resolved" clauses are to adopt the plan set forth in Exhibit A attached to the concurrent resolution as the State Water Resources Development Functional Plan in accordance with Chapter 226, Hawaii Revised Statutes; to have the State Water Resources Development Plan of January, 1980 prepared by the Department of Land and Natural Resources, serve as the technical reference document for background information and data on issues and problems relating to water and for the rationale of the objectives, policies, and implementing actions contained in the State Water Resources Development Functional Plan (Exhibit A); and to direct the Department of Land and Natural Resources to periodically review and revise the State Water Resources Development Plan of January, 1980, and to periodically review the State Water Resources Development Functional Plan (Exhibit A) and to submit recommendations to the State Plan Policy Council and the Legislature to update, revise, or otherwise improve that functional plan (Exhibit A).

Your Committees have also amended the title of the concurrent resolution from "RELATING TO A WATER RESOURCES DEVELOPMENT FUNCTIONAL PLAN" to "RELATING TO THE STATE WATER RESOURCES DEVELOPMENT FUNCTIONAL PLAN."

Other technical, non-substantive amendments to this concurrent resolution were made for the purpose of clarity and style.

Your Committees on State General Planning and Water, Land Use, Development and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 60, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 60, H.D. 1.

Signed by all members of the Committees except Representative Garcia.

SCRep. 928-80 State General Planning and Agriculture on H.C.R. No. 59

The primary purpose of this concurrent resolution, as received by your Committees is to adopt the State Agriculture Plan of January, 1980, (prepared by the Department of Agriculture and as submitted to the Legislature) "as a functional plan for the State of Hawaii in furtherance of Chapter 226, Hawaii Revised Statutes."

Your Committees have amended the original primary purpose so that the primary purpose of the amended concurrent resolution is to have the State Agriculture Plan of January, 1980, (prepared by the Department of Agriculture and as submitted to the Legislature) serve as the primary technical reference document for the State functional plan for agriculture and, in accordance with Chapter 226, Hawaii Revised Statutes, to have the plan as set forth in Exhibit A, attached to the amended concurrent resolution, be adopted as the State Agriculture Functional Plan.

The Hawaii State Planning Act (Act 100, SLH 1978; now Chapter 226, Hawaii Revised Statutes) requires the preparation of functional plans in specified areas for submittal to the Legislature for review, modification, and, as appropriate, adoption of each functional plan by concurrent resolution. The functional plans are designed to implement the broad goals, objectives, policies, and priority directions contained in the Hawaii State Planning Act, also referred to as the Hawaii State Plan, Chapter 226, Hawaii Revised Statutes and, accordingly, set forth specific policies, programs, and projects designed to implement the objectives of a specific field of activity, when such activity or program is proposed, administered, or funded by any agency of the State.

In accordance with the provisions of Chapter 226, Hawaii Revised Statutes, the Department of Agriculture prepared the State Agriculture Plan of January, 1980, designed to implement the objectives for the agricultural sector of Hawaii's economy and the plan has been submitted to the Tenth Legislature during the Regular Session of 1980.

Upon review, your Committees find that the State Agriculture Plan, as submitted, needs to be modified to more accurately reflect the desired policies, programs and projects of the Legislature with respect to the agriculture industry and to more accurately meet the content requirements in the definition of "functional plan" specified in Chapter 226, Hawaii Revised Statutes.

Although the State Agriculture Plan of January, 1980, provides useful background data on issues and problems relating to the agricultural sector of Hawaii's economy, your Committees find that such information should not be included as a part of the functional plan for agriculture in order to comport to the requirements of Chapter 226, Hawaii Revised Statutes, relating to functional plans. The deletion of such background data from the State Agriculture Functional Plan and the format changes to the Plan of January, 1980, are intended to improve the clarity and organization, and to reduce the excessive length of the functional plan for agriculture in order to make said functional plan a more effective and readily useable document.

In view of the foregoing, your Committees have modified the State Agriculture Plan of January, 1980, (prepared by the Department of Agriculture) and, using said Plan as a base document, have prepared the plan set forth in Exhibit A, attached to the concurrent resolution, for adoption as the State Agriculture Functional Plan in accordance with Chapter 226, Hawaii Revised Statutes. Your Committees intend, however, that the State Agriculture Plan of January, 1980, serve as the primary technical reference document for the State Agriculture Functional Plan (Exhibit A).

Your Committees note that the State Agriculture Functional Plan (Exhibit A) assigns the overall responsibility for the administration and implementation of the State Agriculture Functional Plan to the Department of Agriculture and consists primarily of the objectives, policies, and implementing actions contained in the State Agriculture Plan. In addition, however, the State Agriculture Functional Plan (1) places increased emphasis on agricultural cooperatives and marketing programs; (2) restricts to agricultural use, all lands designated as "prime," "unique," and "other important" agricultural lands under the "Agriculture Lands of Importance to the State of Hawaii" system which was adopted by the Board of Agriculture in 1977; and (3) contains modified objectives, policies, and implementing actions.

Subsequent to your Committees' review and modification of the State Agriculture Plan and the preparation of Exhibit A, the Committees have amended the various "Whereas" clauses of the original concurrent resolution in order to:

- (1) Clarify and set forth the requirements of the Hawaii State Plan in greater detail, particularly with respect to the preparation and adoption of functional plans;
- (2) Add a "Whereas" clause which states the Hawaii State Plan objectives for the agricultural sector of Hawaii's economy; and
- (3) Add a "Whereas" clause which states that the Legislature has reviewed the State Agriculture Plan of January, 1980 and finds that the State Agriculture Plan should be modified in order to more effectively coordinate and direct the actions of State and county agencies with respect to the agriculture industry.

Your Committees have also amended the various "Resolved" clauses of the concurrent resolution so that now:

- (1) The State Agriculture Plan of January, 1980, prepared by the Department of Agriculture, serves as the primary technical reference document for the State functional plan for agriculture rather than as the State functional plan for agriculture;
- (2) The plan set forth in Exhibit A attached to the concurrent resolution is adopted as the State functional plan for agriculture in accordance with Chapter 226, Hawaii Revised Statutes, and hereafter be referred to as the State Agriculture Functional Plan; and
- (3) The Department of Agriculture is required to:
 - (a) Annually submit to the State Plan Policy Council and the Legislature a complete and detailed progress report on the implementation of the State Agriculture Functional Plan, including any attendant problems requiring review or action by the Policy Council or the Legislature;
 - (b) Revise the State Agriculture Plan of January, 1980 to make it consistent with the State Agriculture Functional Plan (Exhibit A) as adopted by the Legislature;
 - (c) Conduct a comprehensive review and revision of the State Agriculture Plan at least once every four years, commencing in 1982, so that it is consistent and complies with the Hawaii State Plan, and, as may be necessary, with the State

Agriculture Functional Plan (Exhibit A);

(d) Review the implementing actions contained in the State Agriculture Functional Plan (Exhibit A) at least once every even-numbered year, commencing in 1980, and update them if necessary to ensure that such implementing actions are consistent with Part III (Priority Directions), and other relevant provisions of the Hawaii State Plan; and

(e) Submit, to the Policy Council and the Legislature during the appropriate regular sessions, its findings and recommendations, including any related budget recommendations, to update, revise, or otherwise amend or improve the State Agriculture Functional Plan.

In summary, the purposes of these amendments to the "Be It Resolved" clauses are to adopt the plan set forth in Exhibit A attached to the concurrent resolution as the State Agriculture Functional Plan in accordance with Chapter 226, Hawaii Revised Statutes; to have the State Agriculture Plan of January, 1980 prepared by the Department of Agriculture, serve as the technical reference document for background information and data on issues and problems relating to agriculture and agriculture-related activities and for the rationale of the objectives, policies, and implementing actions contained in the State Agriculture Functional Plan (Exhibit A); and to direct the Department of Agriculture to periodically review and revise the State Agriculture Plan of January, 1980, and to periodically review the State Agriculture Functional Plan (Exhibit A) and to submit recommendations to the State Plan Policy Council and the Legislature to update, revise, or otherwise improve that functional plan (Exhibit A).

Your Committees have also amended the title of the concurrent resolution from "RELATING TO AN AGRICULTURE FUNCTIONAL PLAN" to "RELATING TO THE STATE AGRICULTURE FUNCTIONAL PLAN."

Other technical, non-substantive amendments to this concurrent resolution were made for the purpose of clarity and style.

Your Committees on State General Planning and Agriculture concur with the intent and purpose of H.C.R. No. 59, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 59, H.D. 1.

Signed by all members of the Committees except Representative Garcia.

SCRep. 929-80 State General Planning and Water, Land Use, Development
and Hawaiian Affairs on H.C.R. No. 66

The primary purpose of this concurrent resolution, as received by your Committees is to adopt the State Recreation Plan of January, 1980, (prepared by the Department of Land and Natural Resources and as submitted to the Legislature) "as a functional plan for the State of Hawaii in furtherance of Chapter 226, Hawaii Revised Statutes."

Your Committees have amended the original primary purpose so that the primary purpose of the amended concurrent resolution is to have the State Recreation Plan of January, 1980, (prepared by the Department of Land and Natural Resources and as submitted to the Legislature) serve as the primary technical reference document for the State functional plan for Recreation and, in accordance with Chapter 226, Hawaii Revised Statutes, to have the plan as set forth in Exhibit A, attached to the amended concurrent resolution, be adopted as the State Recreation Functional Plan.

The Hawaii State Planning Act (Act 100, SLH 1978; now Chapter 226, Hawaii Revised Statutes) requires the preparation of functional plans in specified areas for submittal to the Legislature for review, modification, and, as appropriate, adoption of each functional plan by concurrent resolution. The functional plans are designed to implement the broad goals, objectives, policies, and priority directions contained in the Hawaii State Planning Act, also referred to as the Hawaii State Plan, Chapter 226, Hawaii Revised Statutes and, accordingly, set forth specific policies, programs, and projects designed to implement the objectives of a specific field of activity, when such activity or program is proposed, administered, or funded by any agency of the State.

In accordance with the provisions of Chapter 226, Hawaii Revised Statutes, the Department of Land and Natural Resources prepared the State Recreation Plan of January, 1980, designed to implement the objective for recreation in Hawaii and the plan has been submitted to the Tenth Legislature during the Regular Session of 1980.

Upon review, your Committees find that the State Recreation Plan, as submitted, needs to be modified to more accurately reflect the desired policies, programs and projects of the Legislature with respect to recreation and to more accurately meet the content requirements in the definition of "functional plan" specified in Chapter 226, Hawaii Revised Statutes.

Although the State Recreation Plan of January, 1980, provides useful background data on issues and problems relating to recreation in Hawaii, your Committees find that such information should not be included as a part of the functional plan for recreation in order to comport to the requirements of Chapter 226, Hawaii Revised Statutes, relating to functional plans. The deletion of such background data from the State Recreation Functional Plan and the format changes to the Plan of January, 1980, are intended to improve the clarity and organization, and to reduce the excessive length of the functional plan for recreation in order to make said functional plan a more effective and readily useable document.

In view of the foregoing, your Committees have modified the State Recreation Plan of January, 1980, (prepared by the Department of Land and Natural Resources) and, using said Plan as a base document, have prepared the plan set forth in Exhibit A, attached to the concurrent resolution, for adoption as the State Recreation Functional Plan in accordance with Chapter 226, Hawaii Revised Statutes. Your Committees intend, however, that the State Recreation Plan of January, 1980, serve as the primary technical reference document for the State Recreation Functional Plan (Exhibit A).

Your Committees note that the State Recreation Functional Plan (Exhibit A) assigns the overall responsibility for the administration and implementation of the State Recreation Functional Plan to the Department of Land and Natural Resources and consists primarily of the priority objectives, policies, and implementing actions contained in the State Recreation Plan. In addition, however, the State Recreation Functional Plan (1) restricts to recreation use all existing, proposed, and resource recreational areas specified in the 1975 State Comprehensive Outdoor Recreation Plan; (2) places increased emphasis on recreational safety and education programs and the assignment of passive recreational services to state agencies and active recreational services to the counties; and (3) contains modified objectives, policies, and implementing actions.

Subsequent to your Committees' review and modification of the State Recreation Plan and the preparation of Exhibit A, the Committees have amended the various "Whereas" clauses of the original concurrent resolution in order to:

- (1) Clarify and set forth the requirements of the Hawaii State Plan in greater detail, particularly with respect to the preparation and adoption of functional plans;
- (2) Add a "Whereas" clause which states the Hawaii State Plan objective for recreation in Hawaii; and
- (3) Add a "Whereas" clause which states that the Legislature has reviewed the State Recreation Plan of January, 1980 and finds that the State Recreation Plan should be modified in order to more effectively coordinate and direct the actions of State and county agencies with respect to recreation.

Your Committees have also amended the various "Resolved" clauses of the concurrent resolution so that now:

- (1) The State Recreation Plan of January, 1980, prepared by the Department of Land and Natural Resources, serves as the primary technical reference document for the State functional plan for recreation rather than as the State functional plan for recreation;
- (2) The plan set forth in Exhibit A attached to the concurrent resolution is adopted as the State functional plan for recreation in accordance with Chapter 226, Hawaii Revised Statutes, and is hereafter to be referred to as the State Recreation Functional Plan; and
- (3) The Department of Land and Natural Resources is required to:
 - (a) Annually submit to the State Plan Policy Council and the Legislature a complete and detailed progress report on the implementation of the State Recreation Functional Plan, including any attendant problems requiring review or action by the Policy Council or the Legislature;

(b) Revise the State Recreation Plan of January, 1980 to make it consistent with the State Recreation Functional Plan (Exhibit A) as adopted by the Legislature;

(c) Conduct a comprehensive review and revision of the State Recreation Plan at least once every four years, commencing in 1982, so that it is consistent and complies with the Hawaii State Plan, and, as may be necessary, with the State Recreation Functional Plan (Exhibit A);

(d) Review the implementing actions contained in the State Recreation Functional Plan (Exhibit A) at least once every even-numbered year, commencing in 1980, and update them if necessary to ensure that such implementing actions are consistent with Part III (Priority Directions), and other relevant provisions of the Hawaii State Plan; and

(e) Submit, to the Policy Council and the Legislature during the appropriate regular sessions, its findings and recommendations, including any related budget recommendations, to update, revise, or otherwise amend or improve the State Recreation Functional Plan.

In summary, the purposes of these amendments to the "Be It Resolved" clauses are to adopt the plan set forth in Exhibit A attached to the concurrent resolution as the State Recreation Functional Plan in accordance with Chapter 226, Hawaii Revised Statutes; to have the State Recreation Plan of January, 1980 prepared by the Department of Land and Natural Resources serve as the technical reference document for background information and data on issues and problems relating to recreation and for the rationale of the objectives, policies, and implementing actions contained in the State Recreation Functional Plan (Exhibit A); and to direct the Department of Land and Natural Resources to periodically review and revise the State Recreation Plan of January, 1980, and to periodically review the State Recreation Functional Plan (Exhibit A) and to submit recommendations to the State Plan Policy Council and the Legislature to update, revise, or otherwise improve that functional plan (Exhibit A).

Your Committees have also amended the title of the concurrent resolution from "RELATING TO A STATE RECREATION FUNCTIONAL PLAN" to "RELATING TO THE STATE RECREATION FUNCTIONAL PLAN."

Other technical, non-substantive amendments to this concurrent resolution were made for the purpose of clarity and style.

Your Committees on State General Planning and Water, Land Use, Development, and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 66, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 66, H.D. 1.

Signed by all members of the Committees except Representative Garcia.

SCRep. 930-80 State General Planning; Tourism; and Finance on H.C.R. No. 8
(Majority)

The primary purpose of this concurrent resolution, as received by your Committees is to adopt the State Tourism Plan of January, 1980, (prepared by the Department of Planning and Economic Development and as submitted to the Legislature) "as a functional plan for the State of Hawaii in furtherance of Chapter 226, Hawaii Revised Statutes."

Your Committees have amended the original primary purpose so that the primary purpose of the amended concurrent resolution is to have the State Tourism Plan of January, 1980, (prepared by the Department of Planning and Economic Development and as submitted to the Legislature) serve as the primary technical reference document for the State functional plan for tourism and, in accordance with Chapter 226, Hawaii Revised Statutes, to have the plan as set forth in Exhibit A, attached to the amended concurrent resolution, be adopted as the State Tourism Functional Plan.

The Hawaii State Planning Act (Act 100, SLH 1978; now Chapter 226, Hawaii Revised Statutes) requires the preparation of functional plans in specified areas for submittal to the Legislature for review, modification, and, as appropriate, adoption of each functional plan by concurrent resolution. The functional plans are designed to implement the broad goals, objectives, policies, and priority directions contained in the Hawaii State Planning Act, also referred to as the Hawaii State Plan, Chapter 226, Hawaii Revised

Statutes and, accordingly, set forth specific policies, programs, and projects designed to implement the objectives of a specific field of activity, when such activity or program is proposed, administered, or funded by any agency of the State.

In accordance with the provisions of Chapter 226, Hawaii Revised Statutes, the Department of Planning and Economic Development prepared the State Tourism Plan of January, 1980, designed to implement the objective for the visitor industry sector of Hawaii's economy and the plan has been submitted to the Tenth Legislature during the Regular Session of 1980.

Upon review, your Committees find that the State Tourism Plan, as submitted, needs to be modified to more accurately reflect the desired policies, programs and projects of the Legislature with respect to the visitor industry and to more accurately meet the content requirements in the definition of "functional plan" specified in Chapter 226, Hawaii Revised Statutes.

Although the State Tourism Plan of January, 1980, provides useful background data on issues and problems relating to the visitor industry sector of Hawaii's economy, your Committees find that such information should not be included as a part of the functional plan for tourism in order to comport to the requirements of Chapter 226, Hawaii Revised Statutes, relating to functional plans. The deletion of such background data from the State Tourism Functional Plan and the format changes to the Plan of January, 1980, are intended to improve the clarity and organization, and to reduce the excessive length of the functional plan for tourism in order to make said functional plan a more effective and readily useable document.

In view of the foregoing, your Committees have modified the State Tourism Plan of January, 1980, (prepared by the Department of Planning and Economic Development) and, using said Plan as a base document, have prepared the plan set forth in Exhibit A, attached to the concurrent resolution, for adoption as the State Tourism Functional Plan in accordance with Chapter 226, Hawaii Revised Statutes. Your Committees intend, however, that the State Tourism Plan of January, 1980, serve as the primary technical reference document for the State Tourism Functional Plan (Exhibit A).

Your Committees note that the State Tourism Functional Plan (Exhibit A) assigns the overall responsibility for the administration and implementation of the State Tourism Functional Plan to the Department of Planning and Economic Development and consists primarily of the objectives, policies, and implementing actions contained in the State Tourism Plan. In addition, however, the State Tourism Functional Plan (1) restricts resort developments to designated areas; (2) requires that resort developments be set back 100 yards from the upper reaches of the wash of the waves and that public access be provided for recreational use of the shoreline; (3) includes the desired annual growth rates for tourism; and (4) contains modified objectives, policies, and implementing actions.

Subsequent to your Committees' review and modification of the State Tourism Plan and the preparation of Exhibit A, the Committees have amended the various "Whereas" clauses of the original concurrent resolution in order to:

(1) Clarify and set forth the requirements of the Hawaii State Plan in greater detail, particularly with respect to the preparation and adoption of functional plans;

(2) Add a "Whereas" clause which states the Hawaii State Plan objective for the visitor industry sector of Hawaii's economy; and

(3) Add a "Whereas" clause which states that the Legislature has reviewed the State Tourism Plan of January, 1980 and finds that the State Tourism Plan should be modified in order to more effectively coordinate and direct the actions of State and county agencies with respect to the visitor industry.

Your Committees have also amended the various "Resolved" clauses of the concurrent resolution so that now:

(1) The State Tourism Plan of January, 1980, prepared by the Department of Planning and Economic Development, serves as the primary technical reference document for the State functional plan for tourism rather than as the State functional plan for tourism;

(2) The plan set forth in Exhibit A attached to the concurrent resolution is adopted as the State functional plan for tourism in accordance with Chapter 226, Hawaii

Revised Statutes, and hereafter be referred to as the State Tourism Functional Plan;
and

(3) The Department of Planning and Economic Development is required to:

(a) Annually submit to the State Plan Policy Council and the Legislature a complete and detailed progress report on the implementation of the State Tourism Functional Plan, including any attendant problems requiring review or action by the Policy Council or the Legislature;

(b) Revise the State Tourism Plan of January, 1980 to make it consistent with the State Tourism Functional Plan (Exhibit A) as adopted by the Legislature;

(c) Conduct a comprehensive review and revision of the State Tourism Plan at least once every four years, commencing in 1982, so that it is consistent and complies with the Hawaii State Plan, and, as may be necessary, with the State Tourism Functional Plan (Exhibit A);

(d) Review the implementing actions contained in the State Tourism Functional Plan (Exhibit A) at least once every even-numbered year, commencing in 1980, and update them if necessary to ensure that such implementing actions are consistent with Part III (Priority Directions), and other relevant provisions of the Hawaii State Plan; and

(e) Submit, to the Policy Council and the Legislature during the appropriate regular sessions, its findings and recommendations, including any related budget recommendations, to update, revise, or otherwise amend or improve the State Tourism Functional Plan.

In summary, the purposes of these amendments to the "Be It Resolved" clauses are to adopt the plan set forth in Exhibit A attached to the concurrent resolution as the State Tourism Functional Plan in accordance with Chapter 226, Hawaii Revised Statutes; to have the State Tourism Plan of January, 1980 prepared by the Department of Planning and Economic Development, serve as the technical reference document for background information and data on issues and problems relating to visitor industry activities and for the rationale of the objectives, policies, and implementing actions contained in the State Tourism Functional Plan (Exhibit A); and to direct the Department of Planning and Economic Development to periodically review and revise the State Tourism Plan of January, 1980, and to periodically review the State Tourism Functional Plan (Exhibit A) and to submit recommendations to the State Plan Policy Council and the Legislature to update, revise, or otherwise improve that functional plan (Exhibit A).

Your Committees have also amended the title of the concurrent resolution from "RELATING TO A TOURISM FUNCTIONAL PLAN" to "RELATING TO THE STATE TOURISM FUNCTIONAL PLAN."

Other technical, non-substantive amendments to this concurrent resolution were made for the purpose of clarity and style.

Your Committees on State General Planning, Tourism, and Finance concur with the intent and purpose of H.C.R. No. 8, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 8, H.D. 1.

Signed by all members of the Committees.
(Representatives Sakamoto, Takitani and Sutton did not concur.)

SCRep. 931-80 Consumer Protection and Commerce on S.B. No. 1951-80

The purpose of this bill is to allow the head of a family to produce one hundred gallons of beer a year for family use only, and not for sale.

Under present law, heads of families are allowed to produce up to two hundred gallons of wine a year for home consumption.

Your Committee notes that the Liquor Control Division of the City and County of Honolulu has no opposition to this bill. Your Committee is satisfied that enactment of this bill will not result in unlawful manufacture and sale of "home-brewed" beer.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1951-80, 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 Representative Lee.

SCRep. 932-80 Legislative Management

Informing the House that House Resolution Nos. 499 to 511, House Concurrent Resolution Nos. 141 to 143, and Standing Committee Report Nos. 907-80 to 931-80, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 933-80 Tourism on H.R. No. 209

The purpose of this resolution is to request the Hawaii Visitors Bureau to be the lead agency in the visitor industry by coordinating the various industry organizations.

Your Committee heard testimony by the Hawaii Visitors Bureau (HVB) and Hawaii Hotel Association (HHA) in opposition to the resolution because of the inherent difficulties which would be faced by the HVB in attempting to coordinate policies and programs, given the diverse and often conflicting needs and goals of the various segments of the visitor industry.

Your Committee finds that an attempt was made to develop a coordinative organization to represent the visitor industry in Hawaii. In 1972, the HVB organized the Tourism Conference to provide a forum for the monthly discussion of issues impacting various segments of the visitor industry. The Tourism Conference originated with eight member organizations and has been expanded to a total of sixteen member organizations. The chairmanship of the Tourism Conference is rotated amongst the HVB, HHA, Waikiki Improvement Association, and Chamber of Commerce of Hawaii, member organizations which are able to provide clerical and staff assistance.

From its experience with the Tourism Conference, the HVB has found that it is difficult to reach a consensus in most cases, due to the multitude of organizations with diverse policy positions. Even in cases where unanimity has been reached, some organizations will not allow a single source to speak for them as they prefer to maintain their individuality.

Despite the difficulties of attempting to achieve a consensus vote, your Committee finds that the Tourism Conference provides a valuable means for the communication and discussion of the diverse positions of various segments of the visitor industry and fosters a better understanding amongst the different sectors of each other's problems, policies, and activities.

Your Committee believes that the Tourism Conference can provide the first step toward improving long-range planning and effective coordination of the goals, policies, programs, and activities of the various sectors of the visitor industry. Therefore, your Committee urges continuation of the Tourism Conference and in support thereof has made the following amendments to H.R. No. 209:

- (1) Deleted the last three "Whereas" clauses of the original resolution relating to the HVB and replaced them with three new "Whereas" clauses relating to the Tourism Conference;
- (2) Revised the first "Be It Resolved" clause which originally called for the HVB to take the lead in coordination and replaced it with a clause calling for State encouragement and support of the continuation of the Tourism Conference;
- (3) Added to the last "Be It Resolved" clause the Hawaii Cruise Boat Owners Association, Hawaii Resort Developers Conference, Hawaii Transportation Association, and Society for Hawaiian Entertainers so that certified copies of the resolution would be transmitted to these members of the Tourism Conference as well; and
- (4) Amended the title of the resolution to "HOUSE RESOLUTION ENCOURAGING THE CONTINUATION OF THE TOURISM CONFERENCE."

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 209, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 209, H.D. 1.

Signed by all members of the Committee.

SCRep. 934-80 Health on H.R. No. 321

The purpose of this resolution is to proclaim May as mental health month and to support the work of the members and volunteers of the Mental Health Association of Hawaii in promoting mental health.

Traditionally May has been declared Mental Health Month in Hawaii. This year the theme focuses on promoting helpful and caring friendships which support persons with mental and emotional problems.

Your Committee on Health concurs with the intent and purpose of H.R. No. 321 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 935-80 Culture and the Arts on H.R. No. 276

The purpose of this resolution is two-fold:

- (1) to establish guidelines for the selection of the executive director of the State Foundation on Culture and the Arts; and
- (2) to adequately monitor and maintain the arts-in-state-buildings program according to purchase, maintenance, rotation, and disposition of acquired art.

Your Committee found that in the past, the office of the executive director was lacking in the area of administrative skills and responsibility. The Committee strongly recommends that the new executive director be experienced in both management and accountability, as well as in the arts and Hawaii's artists. One casualty of the past administration is the art-in-state-buildings program. The Committee recommends that the State Foundation implement plans for the future disposition of the growing state collection of art work, as well as proper acquisition, maintenance, and rotation of such art work.

Your Committee on Culture and the Arts concurs with the intent and purpose of H.R. 276 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 936-80 Public Employment and Government Operations on H.R. No. 37

The purpose of this resolution is to create an advisory committee on electronic data processing, electronic information exchange, and telecommunications for the purpose of evaluating and assessing the technical and systems aspects of the legislature and other State agencies as they relate to legislative operations and proposals.

There is a genuine need for the Legislative Reference Bureau, on behalf of the legislature, to have more diverse, specialized, and knowledgeable assistance in the electronic data processing, electronic information exchange, and telecommunication areas if the legislature is to adequately and cost effectively deal with the myriad of issues, impacts, and options increasingly facing the public.

Your Committee therefore finds that it is in the interest of the legislature, government, and the public to establish an advisory committee to provide such needed expertise in the area of electronic data processing, electronic information exchange, and telecommunications.

Your Committee has amended the resolution to reduce the size of the advisory committee and specify areas of expertise most relevant. Also, the process for advisory committee selection has been streamlined.

Your Committee on Public Employment and Government Operations concurs with the

intent and purpose of H.R. No. 37 as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 37, H.D. 1.

Signed by all members of the Committee.

SCRep. 937-80 Public Employment and Government Operations on H.C.R. No. 16

The purpose of this concurrent resolution is to create an advisory committee on electronic data processing, electronic information exchange, and telecommunications for the purpose of evaluating and assessing the technical and systems aspects of the legislature and other State agencies as they relate to legislative operations and proposals.

There is a genuine need for the Legislative Reference Bureau, on behalf of the legislature, to have more diverse, specialized, and knowledgeable assistance in the electronic data processing, electronic information exchange, and telecommunication areas if the legislature is to adequately and cost effectively deal with the myriad of issues, impacts, and options increasingly facing the public.

Your Committee therefore finds that it is in the interest of the legislature, government, and the public to establish an advisory committee to provide such needed expertise in the area of electronic data processing, electronic information exchange, and telecommunications.

Your Committee has amended the concurrent resolution to reduce the size of the advisory committee and specify areas of expertise most relevant. Also, the process for advisory committee selection has been streamlined.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.C.R. No. 16 as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 16, H.D. 1.

Signed by all members of the Committee.

SCRep. 938-80 Public Employment and Government Operations on H.R. No. 346

The purpose of this resolution is to request the Legislative Reference Bureau to review the subject of bilingual services to immigrants and refugees in Hawaii but not be limited to the following:

- (1) The nature and scope of bilingual services needed by immigrants and refugees;
- (2) The nature and scope of and demand for (or rate of utilization of) bilingual services, including the number of bilingual personnel or staff currently available in State and county agencies, to assist immigrants and refugees in applying for and receiving services under State and county programs;
- (3) The nature and scope of and demand for (or rate of utilization of) bilingual services to assist immigrants and refugees currently available through private non-profit agencies (including the number of bilingual personnel or staff employed by or serving in these agencies);
- (4) The need for additional, expanded, or improved bilingual services, including the hiring of additional bilingual personnel, to be provided through State and county and private non-profit agencies to assist immigrants and refugees in the future;
- (5) The qualifications of bilingual personnel or staff; and
- (6) Recommendations as to the most cost-efficient means of providing effective bilingual services to immigrants and refugees.

Your Committee received favorable testimony from the Department of Social Services and Housing, Department of Education, Department of Health, State Immigration Services Center, Palama Interchurch Council and the Catholic Social Services.

Your Committee finds that the inherent and continual attraction of refugees and immigrants to Hawaii, as their base of residence, has been amply substantiated by Immigration and Population Data/Statistics. This influx must be considered in any design for public

services deemed necessary for the residents of the State of Hawaii.

The State of Hawaii has accepted the responsibility to assist immigrants in the islands to become socially adjusted and economically productive members of American society. In 1979, the State Immigrant Services Center and the U.S. Department of Health, Education, and Welfare entered into agreement for a joint study to evaluate the impact of DHEW funded programs on recent immigrants in Hawaii and the impact of recent immigrants on the existing service delivery system. The study revealed that an overwhelming majority of social service and health workers and community leaders estimated that over 50 percent of the immigrant population did not use public services because of their difficulty with the English language.

Currently, we have many private, non-profit organizations providing bilingual supportive services to the public agencies. Both the public and private agencies are primarily concerned with the resettlement of immigrants and refugees in order that they may become self-sufficient and contributing members of our community. Our public agencies have bilingual staff, but not enough to encourage walk-in clientele, as the Office of Civil Rights points out in a 1978 evaluation of the Department of Social Services and Housing. Further, the Department of Education seems to be in constant jeopardy of losing its federal funding for under-compliance of minority group guidelines.

Another issue deals with the constraints imposed by the Federal Government on Public Agencies which limit the ability of the State programs to adequately meet the needs of our non-English speakers. An example of this would be N.I.M.H. Grants which allow for bilingual counseling services for the emotionally disturbed. These bilingual counselors may provide services only if they relate to problems falling within the Federal Guidelines. Thus, private, non-profit agencies such as Kalihi-Palama Immigrant Services Center are called upon to provide other ancillary or supportive services not provided for through federal grants. These ancillary services have to do primarily with the other facets of the resettlement process.

In view of the funding ceilings and the potential loss of federal funds for bilingual programs, an in-depth study of the scope of bilingual services to Hawaii, and cost-efficient service delivery systems are greatly needed.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 346 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 939-80

Education and Higher Education on H.R. No. 369

The purpose of this resolution is to request the Committees on Education and Higher Education to study the constitutional provision for increased fiscal autonomy for the Department of Education and the University of Hawaii and to clearly articulate the budgetary roles and relationships of the two governing boards with the Executive Branch and the Legislature.

Testimony by the President of the University of Hawaii and by the Second Vice-Chairperson of the Board of Education disclosed that both the University and the Department of Education welcome a study to clarify their departments' fiscal responsibilities.

There have been considerable discussion and interest relating to this matter during the current legislative session. Your Committees have amended the resolution to limit the requested study to only the Committee on Education with respect to the Board of Education. The title has also been changed accordingly. That part of the resolution referring to the University of Hawaii and its Board of Regents was deleted from the resolution since another resolution, H.R. No. 397, requests a comparable study of the budget of the University.

Your Committees on Education and Higher Education concur with the intent and purpose of H.R. No. 369, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 369, H.D. 1.

Signed by all members of the Committees.

SCRep. 940-80 Higher Education on H.R. No. 53

The purpose of this resolution is to request the Board of Regents of the University of Hawaii to assign the same level of authority and responsibility to the Women's Athletic Director as the Men's Athletic Director.

Representatives from several organizations testified in favor of the resolution. The Chancellor of the University of Hawaii stated that if the resolution were adopted, it would require two separate departments with additional support and administrative staff; he believed there is no particular advantage to be gained by the adoption of this resolution.

Your Committee has amended the resolution, including its title, to request the University to submit to the Legislature a description of the specific duties and responsibilities of the Director of Men's Athletics Program and the Director of Women's Athletics Program. The reason for requesting this information is that the Committee believes that perhaps a clearer articulation of the duties and responsibilities of both positions may avoid misinterpretation of such duties and responsibilities. Also, such specification of the duties and responsibilities of both positions may serve as a basis for changes desired by the Chancellor.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 53, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 53, H.D. 1.

Signed by all members of the Committee.

SCRep. 941-80 Higher Education on H.C.R. No. 24

The purpose of this concurrent resolution is to request the Board of Regents of the University of Hawaii to assign the same level of authority and responsibility to the Women's Athletic Director as the Men's Athletic Director,

Representatives from several organizations testified in favor of the resolution. The Chancellor of the University of Hawaii stated that if the resolution were adopted, it would require two separate departments with additional support and administrative staff; he believed there is no particular advantage to be gained by the adoption of this resolution.

Your Committee has amended the resolution, including its title, to request the University to submit to the Legislature a description of the specific duties and responsibilities of the Director of Men's Athletics Program and the Director of Women's Athletics Program. The reason for requesting this information is that the Committee believes that perhaps a clearer articulation of the duties and responsibilities of both positions may avoid misinterpretation of such duties and responsibilities. Also, such specification of the duties and responsibilities of both positions may serve as a basis for changes desired by the Chancellor.

Your Committee on Higher Education concurs with the intent and purpose of H.C.R. No. 24, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 24, H.D. 1.

Signed by all members of the Committee.

SCRep. 942-80 Higher Education on H.R. No. 397

The purpose of this resolution, as amended, is to request the Committee on Higher Education, instead of the University of Hawaii, to study the constitutional provision for increased fiscal autonomy for the University of Hawaii.

There has already been considerable discussion in the current legislative session regarding the need to clarify the fiscal responsibility of the University of Hawaii Board of Regents with respect to the University's budget.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 397, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 397, H.D. 1.

Signed by all members of the Committee.

SCRep. 943-80

Higher Education on H.R. No. 385

The purpose of this resolution is to seek a comprehensive status report of efforts being made to strengthen alumni affairs at the University of Hawaii to especially include details on current progress, any master plans for alumni affairs, reorganization plans involving the Alumni Association, and causes for any delays in implementing efforts to strengthen University of Hawaii alumni affairs.

The Chancellor of the University of Hawaii at Manoa who is administratively responsible for the Alumni Association testified that several activities designed to restructure and strengthen the campus/alumni relationship and programs are presently in progress. The Manoa Chancellor's Office in cooperation with the current Alumni Association is compiling a list of all Manoa alumni, helping to recruit active dues-paying members, attempting to clarify the relationship of major organizational units and their campuses to the current organization, assigning a staff assistant part time to work on alumni affairs, and locating the Director of Alumni Affairs office in Hawaii Hall for improved overview and coordination. These and other activities should vastly improve the Alumni Association's effectiveness and image.

It is agreed that time is needed to determine if these and other steps taken will fulfill the intent of this resolution. Therefore, the BE IT RESOLVED clause and the first BE IT FURTHER RESOLVED clause have been amended to allow the Chancellor of the University of Hawaii at Manoa and the President of the University of Hawaii to submit a comprehensive status report on efforts being made to strengthen alumni affairs to the House of Representatives of the Eleventh Legislature of the State of Hawaii twenty days before the convening of the Regular Session of 1981.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 385, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 385, H.D. 1.

Signed by all members of the Committee.

SCRep. 944-80

Corrections and Rehabilitation on H.R. No. 304

The purpose of this resolution is to request the Department of Social Services and Housing (DSSH) to continue the Stay Straight Youth Awareness Program currently being conducted at the Oahu Community Correctional Center. The resolution also requests that the Department conduct an evaluation of the program and report its findings and recommendations prior to the convening of the Regular Session of 1981.

The Stay Straight Youth Awareness Program, also known as IKE NA PAAHAO (Experience of Prisoners) is a program conducted by inmates and volunteers whose objective is to deter juveniles from committing crimes by exposing them to life in prison. Juveniles referred to the program are taken on a guided tour of the prison followed by a group "rap" session with inmates in the cellblock basement.

At the program's inception, sessions were held once a week. However, due to broad acceptance of the program, as indicated by the increasing number of juveniles participating, sessions are now being held almost five days a week.

The resolution, as introduced, requests that the DSSH conduct a "formal evaluation" of the program. The words "formal evaluation", implies an objective, data based examination of the program's effectiveness performed by professionally qualified persons outside the Department. Testimony by the DSSH indicated that, with present resources, they would not be capable to conduct this type of study. However, an "in house" evaluation could be conducted without additional resources. Furthermore, your Committee has learned from inmates and volunteers testifying on behalf of the program that an independent evaluation is currently being conducted and, if the Department wishes, that evaluation can be incorporated into the Department's study.

Your Committee on Corrections and Rehabilitation is in accord with the intent and purpose of H.R. No. 304 as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H. R. No. 304, H.D. 1.

Signed by all members of the Committee except Representative Garcia.

SCRep. 945-80 Legislative Management

Informing the House that House Resolution Nos. 512 to 521, House Concurrent Resolution Nos. 144 and 145, and Standing Committee Report Nos. 933-80 to 944-80 and 946-80 to 955-80, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 946-80 Agriculture on H.R. No. 404

The purpose of this resolution is to request the Department of the Attorney General to conduct an investigation into the pricing of molasses in Hawaii.

Molasses, a by product of the raw sugarcane production and refining process, has long been and continues to be an important feed item for dairy cows and other livestock.

Testimony presented by the 50th State Dairy Farmers' Cooperative and Oahu Dairy Cooperative expressed concern that they are paying virtually the same price for molasses as the West Coast Diarymen for the same product produced in Hawaii.

Your Committee has amended this resolution by deleting the word "scheme" in the fourth whereas clause.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 404, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 404, H.D. 1.

Signed by all members of the Committee.

SCRep. 947-80 Agriculture on H.C.R. No. 114

The purpose of this resolution is to request the Department of the Attorney General to conduct an investigation into the pricing of molasses in Hawaii.

Molasses, a by product of the raw sugarcane production and refining process, has long been and continues to be an important feed item for dairy cows and other livestock.

Testimony presented by the 50th State Dairy Farmers' Cooperative and Oahu Dairy Cooperative expressed concern that they are paying virtually the same price for molasses as the West Coast Diarymen for the same product produced in Hawaii.

Your Committee has amended this resolution by deleting the word "scheme" in the fourth whereas clause.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 114, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 114, H.D. 1.

Signed by all members of the Committee.

SCRep. 948-80 Agriculture on H.R. No. 430

The purpose of this resolution is to request the Speaker of the House of Representatives to appoint an interim House Committee to perform a statewide review of the problem of cattle and other livestock rustling during the 1980 interim period, and to respectfully urge the President of the Senate to appoint an interim Senate Committee to make possible the creation of a joint interim committee which would report its findings and recommendations including, where practicable and feasible, proposed legislation for introduction during the Regular Session of 1981.

Your Committee learned that cattle rustling and the theft of other livestock has been a recurrent and serious problem for Hawaii's ranchers and livestock producers.

Your Committee, in a public hearing held on April 8, 1980, received written and oral testimony from a number of sources, strongly supporting the objective of the resolution and recommending adoption of the resolution.

Your Committee finds that in order to keep viable the future of the cattle and other livestock industries, it is imperative that every possible protection be assured to the livestock industry from losses sustained from rustling.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 430, and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 949-80 Agriculture on H.R. No. 461

The purpose of this resolution is to request the Department of Agriculture to conduct a study as to the feasibility of converting a market-wide pool to a handler's pool and report its findings and recommendations to the Legislature prior to the convening of the regular session of 1981.

Your Committee finds that presently the method of payment to producers for milk produced and utilized is based on a market-wide pool system. This system combines the utilization of each handler (processor) into one pool and distributed equally for payments to each producer on a pro rata basis according to his quota. However, because Class I sales by one handler may be more than another handler, those producers that deliver their milk to the handler with the higher Class I utilization believe that their payment should be based on their handler's sales to be equitable. Also, the producers believe that the handler's pool system will give each handler an incentive to promote fresh milk to increase demand for Class I milk and provide for better communication between a handler and its producers.

The 50th State Dairy Farmers' Cooperative which delivers milk to both handlers in the Honolulu Milk Shed testified that this study would provide the Department of Agriculture with substantial information to evaluate whether the market-wide pool system or a handler's pool system is more equitable to the producers and processors, thereby insuring optimum utilization, and would provide stability for the industry and an adequate supply of wholesome milk for the people of the State of Hawaii. The 50th State Dairy Farmers' Cooperative also testified that the present method of payment is satisfactory to them and a handler's pool system may not be needed.

Your Committee agrees with testimony presented by the 50th State Dairy Farmers' Cooperative that a study is in order to explore the concerns cited in the resolution.

Your Committee has amended this resolution to have the Legislative Reference Bureau, instead of the Department of Agriculture, conduct the study as to the feasibility of converting a market-wide pool to a handler's pool, and to submit a report as to its findings and recommendations to the Legislature prior to the convening of the regular session of 1981.

Your Committee has also made technical, non-substantive changes in the resolution.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 461, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 461, H.D. 1.

Signed by all members of the Committee.

SCRep. 950-80 Agriculture and Higher Education on H.R. No. 286

The purpose of this resolution is to urge the College of Tropical Agriculture and Human Resources of the University of Hawaii, with the assistance of the State Departments of Agriculture and Planning and Economic Development; the Agriculture Coordinating Committee; and entities in the private nursery sector, to perform a study on the feasibility of cultivating low-land Protea on low elevation sites on Oahu.

Your Committees find that agriculture continues to be one of the State's three major industries and that its support out of practical necessity, if not by reason of constitutional mandate, is a matter of compelling State interest.

Your Committees find that Protea cultivars might be developed which would thrive and produce at lower altitudes, and the development of such cultivars would benefit and enhance the growth of the Protea industry.

Your Committees, in a public hearing held on April 8, 1980, received testimony from several sources, all supporting the objective of the resolution and recommending adoption of the resolution.

Your Committees on Agriculture and Higher Education are in accord with the intent and purpose of H.R. No. 286, and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 951-80 Youth and Elderly Affairs on H.R. No. 137

The purpose of this Resolution is to request the Executive Office on Aging, with the cooperation and assistance of the County Area Agencies on Aging, to study (1) the adequacy of existing government programs for elderly persons living alone, and (2) the nature and scope of outreach programs for the isolated elderly. Your Committee is aware that this latter aspect was covered by H.R. No. 573 adopted in 1979. The report required of the Executive Office on Aging by H.R. No. 573 has not yet reached the Legislature.

Because of the relationship between H.R. No. 573 and this Resolution and the complexity of the task required of the Executive Office on Aging by this Resolution, your Committee has amended this Resolution to request the Speaker of the House of Representatives to appoint an interim House committee to assist the Executive Office on Aging in the conduct of its study. It is the conclusion of your Committee that an interim Committee could provide valuable input to the study and through its assistance help the Executive Office on Aging complete its study in the time called for in the Resolution.

Your Committee has further amended this Resolution by:

- (1) Adding a reference to H.R. No. 573.
- (2) Clarifying the matters to be covered by the study.
- (3) Deleting the request for the cooperation and assistance of the County Area Agencies on Aging since your Committee feels these agencies will be helpful without a formal request.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of H.R. No. 137, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 137, H.D. 1.

Signed by all members of the Committee.

SCRep. 952-80 Youth and Elderly Affairs and Housing on H.R. No. 451

The purpose of this Resolution is stated in the title.

Your Committees find that the elderly now confront a formidable array of problems regarding their housing needs and preferences. Existing programs directed at these problems are insufficient to give many elderly persons the help they deserve.

The draft State Housing Plan projects a 260 percent increase in the number of elderly persons between 1985 and 2000 and this will magnify the size of the elderly housing problem. This large population increase suggests the need for speedy and effective action to alleviate the problems confronting the elderly in regard to their housing. The longer action is delayed, the more difficult and expensive it will become to respond to pressing needs.

Your Committees are aware that recent years have seen a steady production of studies of housing needs in Hawaii including the needs of the elderly. The draft State Housing Plan is a recent addition to the local literature on the subject. Your Committees feel that the volume of studies provide a sufficient base for the development of recommendations for specific courses of action which will address specific problems in the area of housing for the elderly. Your Committees conclude that an interim House committee, with the cooperation and assistance of the Hawaii Housing Authority and other agencies with responsibilities related to the elderly and elderly housing, should be able to produce

recommendations for action by the next Regular Session of the Legislature.

Your Committees were aware of the work done earlier in the session on H.R. No. 384 entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII HOUSING AUTHORITY TO DEVELOP A COMPREHENSIVE HOUSING PLAN FOR THE ELDERLY", and have amended H.R. No. 451 by incorporating therein the substance of H.R. No. 384.

Your Committees on Youth and Elderly Affairs and Housing concur with the intent and purpose of H.R. No. 451, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 451, H.D. 1.

Signed by all members of the Committees.

SCRep. 953-80 Employment Opportunities and Labor Relations; and Youth and Elderly Affairs on H.R. No. 437

The purpose of this Resolution is to request the State Employment and Training Council and the Commission on Manpower and Full Employment to jointly develop a statewide policy and coordinated program objectives for youth development and training in Hawaii for submission to the Legislature prior to the 1981 Regular Session and dissemination to appropriate service providers and organizations and the general public.

Testimony presented to your Committees was strongly and unanimously in favor of the Resolution including testimony from the State Employment and Training Council and the Commission on Manpower and Full Employment.

Your Committees have amended the Resolution by (1) deleting the requirement for a report to this Session of the Legislature, and (2) adding the Office of Children and Youth to the list of agencies requested to provide input and assistance to the agencies developing the policy.

Your Committees on Employment Opportunities and Labor Relations and Youth and Elderly Affairs concur with the intent and purpose of H.R. No. 437, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 437, H.D. 1.

Signed by all members of the Committees.

SCRep. 954-80 Youth and Elderly Affairs and Judiciary on H.R. No. 449

The purpose of this Resolution is to request the Executive Office on Aging, in consultation with the State of Hawaii Department of the Attorney General, to study the existing legal assistance program under Title III of the Older Americans Act and to report to the Legislature prior to the convening of the 1981 Regular Session.

In testimony submitted to your Committees, a number of concerns were expressed about the adequacy of legal services now available to the elderly. Among these concerns were the following:

1. Given the fact that for many economic security programs such as food stamps only a minority of eligible recipients actually receive benefits it seems possible that present legal service programs for the elderly are meeting only some fraction of their actual need for legal services.
2. We do not know now the actual volume of legal services provided the elderly and it may be difficult to find this out given present procedures of legal service providers.
3. The Executive Office on Aging's Advocacy Assistance Unit containing a legal services developer position is only funded through September, 1980 and if this unit is not funded for a longer period of time the Executive Office on Aging may have difficulty complying with this Resolution.
4. There seem to be no criteria developed to evaluate the adequacy of Area Agency funding of legal services for the elderly.
5. Alternate means of providing legal assistance to the elderly have not been

thoroughly explored. For example, the State has a "Child Protective Services" program but no comparable "Adult Protective Services" program. Some States have such a program and it provides an additional source of legal assistance for the elderly.

In response to the uncertain future of the Advocacy Assistance Unit and the complexity of the task of addressing the above listed and related concerns, your Committees have amended this Resolution to request the Speaker of the House of Representatives to appoint an interim House committee to assist the Executive Office on Aging in the conduct of its study. It is the conclusion of your Committees that an interim Committee could provide valuable input to the study and through its assistance help the Executive Office on Aging complete its study perhaps before the end of September.

Your Committees take note of the testimony by the Executive Office on Aging that successful completion of the study would be facilitated by the cooperation and assistance of such agencies as the University of Hawaii School of Law, the Hawaii State Bar Association, the Legal Aid Society of Hawaii and the County Area Agencies on Aging. Your Committees would hope that these and other agencies need no formal mandate to be helpful and cooperative.

Your Committees have further amended the Resolution to clarify matters the study should cover to properly address the concerns listed above and related subjects.

Your Committees on Youth and Elderly Affairs and Judiciary concur with the intent and purpose of H.R. No. 449, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 449, H.D. 1.

Signed by all members of the Committees except Representatives Ushijima and Ikeda.

SCRep. 955-80 Youth and Elderly Affairs and Transportation on H.R. No. 452

The purpose of this Resolution is set forth in its title.

Your Committees find that existing transportation services for the elderly remain inadequate despite the fact that this has been a widely recognized problem for many years. It is the conclusion of your Committees that the time has come for the development of specific recommendations for effectively alleviating this problem.

Your Committees have amended this Resolution to correct certain minor typographical errors.

Your Committees on Youth and Elderly Affairs and Transportation concur with the intent and purpose of H.R. No. 452, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 452, H.D. 1.

Signed by all members of the Committee except Representative Ikeda.

SCRep. 956-80 Legislative Management

Informing the House that House Resolution Nos. 522 to 531, House Concurrent Resolution No. 146, Standing Committee Report Nos. 957-80 to 995-80, and Conference Committee Report Nos. 4 to 25, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 957-80 Housing on H.R. No. 469

The purpose of this resolution is to request the Hawaii Housing Authority (HHA) to submit a progress report on the Housing Loan and Mortgage Program (Hula Mae) which provides low-interest mortgage loans to eligible residents.

The Hula Mae program was implemented in February 1980 after the successful sale of \$100 million in tax-exempt, mortgage-backed revenue bonds. Questions have arisen as to the restrictiveness of the program's current eligibility requirements, thus a review of the granting and denial of loans should prove helpful in assessing the need for future

changes in the program. No additional appropriation of funds is necessary for this study, nor will this negatively impact the Hula Mae operating budget.

Your Committee received favorable testimony from the Hawaii Housing Authority, Mike McCormack Realtors, Fahrni Realty, Inc., and the Construction Industry Legislative Organization.

Your Committee has amended the resolution by inserting a new "Be it further resolved" clause to reflect a concern raised by several realtors, that of lending institutions making lump sum loan commitments to the developers of housing projects. The HHA will be requested to include in the report a listing of the lending institutions making large commitments to various projects and the loan amounts.

Your Committee on Housing is in accord with the intent and purpose of H.R. No. 469, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 469, H.D. 1.

Signed by all members of the Committee.

SCRep. 958-80 Health and Judiciary on H.R. No. 356

The purpose of this resolution is to request the Legislative Auditor to examine the operation of the Hawaii State Hospital and to study the problems surrounding the penal code patients and criminal commitment laws and procedures.

Your Committees are aware of many of the problems that presently exist at the State Hospital; understaffing and difficulty in recruiting personnel, over-crowded conditions and the recent increases in penal code patients, mixing violent-type patients with non-violent patients and the continuous threat these conditions create to both patients and staff.

Although the Department of Health testified against the study examining the operation of the State Hospital, stating that they are aware of the problems and are in the process of taking steps to remedy these problems, your Committees feel that such an examination is needed to not only assess the problems but to assess the effectiveness of the solutions being implemented by the department.

The Department of Health testified in support of the resolution's attempt to study the criminal commitment laws and other external factors affecting the Hospital, such as the need to bring the facilities within standards required by Medicare and Medicaid. Your Committees are aware that many of the Hospital's problems are related to the high number of penal code patients and your Committees feel there is a need to study the current criminal commitment laws.

Your Committees have amended this resolution by deleting the word "exigent" wherever it appears in the resolution and also to request the Department of Social Services and Housing and the Department of Personnel Services to cooperate with the Legislative Auditor in conducting this study.

Your Committee on Health and Your Committee on Judiciary concur with the intent and purpose of H.R. No. 356, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 356, H.D. 1.

Signed by all members of the Committees.

SCRep. 959-80 Health and Judiciary on H.C.R. No. 107

The purpose of this concurrent resolution is to request the Legislative Auditor to examine the operation of the Hawaii State Hospital and to study the problems surrounding the penal code patients and criminal commitment laws and procedures.

Your Committees are aware of many of the problems that presently exist at the State Hospital; understaffing and difficulty in recruiting personnel, over-crowded conditions and the recent increases in penal code patients, mixing violent-type patients with non-violent patients and the continuous threat these conditions create to both patients and staff.

Although the Department of Health testified against the study examining the operation

of the State Hospital, stating that they are aware of the problems and are in the process of taking steps to remedy these problems, your Committees feel that such an examination is needed to not only assess the problems but to assess the effectiveness of the solutions being implemented by the department.

The Department of Health testified in support of the concurrent resolution's attempt to study the criminal commitment laws and other external factors affecting the Hospital, such as the need to bring the facilities within standards required by Medicare and Medicaid. Your Committees are aware that many of the Hospital's problems are related to the high number of penal code patients and your Committees feel there is a need to study the current criminal commitment laws.

Your Committees have amended this concurrent resolution by deleting the word "exigent" wherever it appears in the concurrent resolution and also to request the Department of Social Services and Housing and the Department of Personnel Services to cooperate with the Legislative Auditor in conducting this study.

Your Committee on Health and Your Committee on Judiciary concur with the intent and purpose of H.C.R. No. 107, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 107, H.D. 1.

Signed by all members of the Committees.

SCRep. 960-80 Health and Ecology and Environmental Protection on H.R.
No. 472

The purpose of this resolution is to request the creation of an advisory committee to study and make recommendations on issues involving nuclear or radioactive materials in the State of Hawaii.

In hearings on this subject, it has become evident that this issue is so complex that action must be taken to set a clear state policy towards the use and disposal of nuclear materials. Such a policy is critical to the safety of the residents of the islands of Hawaii, and even to the islands themselves, and must be established before the widespread use of nuclear materials and the proliferation of piecemeal legislation make any comprehensive and consistent policy impossible.

The Committee proposed by this resolution would provide the knowledge and expertise necessary to study the problems and offer advice as to the course of action which should be taken by the State in regards to nuclear and radiological issues.

Your Committees have amended this resolution by deleting the phrase, "...be composed of..." from the fourth and fifth "BE IT RESOLVED" clauses and replacing it with the word "include". The sixth "BE IT RESOLVED" clause has also been amended by adding the phrase "...or their designated representatives" after the word "control". These amendments give the Director of Health more flexibility in the composition of the advisory committee.

Your Committees on Health and Ecology and Environmental Protection concur with the intent and purpose of H.R. No. 472, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 472, H.D. 1.

Signed by all members of the Committees.

SCRep. 961-80 Culture and the Arts; and State General Planning on H.R.
No. 319

The purpose of this resolution is to request the County of Hawaii to provide a reasonable alternative in housing to residents of plantation communities and camps, as a means of historic preservation.

Your Committees heard testimony generally supporting the intent and purpose of the resolution but specifically requesting amendment such that all counties review their zoning administration procedures and adopt more flexible and positive standards of housing for residents of these plantation communities. That plantation communities exist in various counties and find themselves with the same needs for preservation of plantation communities in the County of Hawaii was a strong contention for the amendment.

The Board of Land and Natural Resources agreed that the recommended amendment would not detract from its responsibilities in support of the State Historic Preservation (Functional) Plan.

Amendments were therefore made to the resolution such that specific references to the County of Hawaii were generalized to all counties in Hawaii. Another minor point was raised: that not all plantation communities offer a unique opportunity to preserve Hawaii's heritage and to provide livable homes for people. Therefore, in the third "whereas" clause, amendment was made to denote that only "some" and not all communities would be affected by this resolution.

Your Committees on Culture and the Arts and on State General Planning concur with the intent and purpose of H.R. No. 319, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 319, H.D. 1.

Signed by all members of the Committees.

SCRep. 962-80 Finance on H.R. No. 77

This resolution requests the Tax Review Commission to include, as part of its duties, an assessment of legislative measures which have been proposed over the past few years which would significantly alter the State's tax policies and tax structure.

The State Constitution, as amended in 1978, in section 3 of Article VII mandates the establishment of a temporary Tax Review Commission to evaluate the State's tax structure and recommend revenue and tax policy to the legislature.

In compliance with this constitutional provision, the legislature in 1979 enacted Act 218 which provides for the appointment of the commission by July 1, 1980. Under Act 218, the commission "shall conduct a systematic review of the State's tax structure, using such standards as equity and efficiency".

The State Constitution further governs the fiscal climate of the State by providing for conformance of the State income tax with the federal income tax code, the establishment of standards for public grants and subsidies to private organizations, expenditure controls over public funds, the establishment of a council on revenues, conformance of the State budget to the general fund expenditure ceiling, a restructuring of the State's debt limit restricting debt issuance policies, and the transfer of the real property taxation power to the counties.

Over the past few years, legislation has been repeatedly introduced and discussed in the halls of the legislature proposing major policy changes to our State's tax laws. Included are proposals to exempt food and drugs from the general excise tax, to levy specific taxes on the visitor industry, and to make adjustments in the State income tax. Your Committee agrees that a systematic and comprehensive review of these various kinds of legislative proposals in the context of the constitutionally mandated constraints would have the beneficial result of minimizing the implementation of fragmented fiscal legislation, and providing for a comprehensive outlook on the impact of these proposals on the tax structure of the State.

Your Committee, therefore, is in full accord with the intent of this resolution to have the Tax Review Commission assess these legislative proposals in the course of its duties, and to report its findings to the legislature.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 77 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 963-80 Finance on H.C.R. No. 28

This concurrent resolution requests the Tax Review Commission to include, as part of its duties, an assessment of legislative measures which have been proposed over the past few years which would significantly alter the State's tax policies and tax structure.

The State Constitution, as amended in 1978, in section 3 of Article VII mandates the establishment of a temporary Tax Review Commission to evaluate the State's tax structure and recommend revenue and tax policy to the legislature.

In compliance with this constitutional provision, the legislature in 1979 enacted Act 218 which provides for the appointment of the commission by July 1, 1980. Under Act 218, the commission "shall conduct a systematic review of the State's tax structure, using such standards as equity and efficiency".

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Over the past few years, legislation has been repeatedly introduced and discussed in the halls of the legislature proposing major policy changes to our State's tax laws. Included are proposals to exempt food and drugs from the general excise tax, to levy specific taxes on the visitor industry, and to make adjustments in the State income tax. Your Committee agrees that a systematic and comprehensive review of these various kinds of legislative proposals in the context of the constitutionally mandated constraints would have the beneficial result of minimizing the implementation of fragmented fiscal legislation, and providing for a comprehensive outlook on the impact of these proposals on the tax structure of the State.

Your Committee, therefore, is in full accord with the intent of this resolution to have the Tax Review Commission assess these legislative proposals in the course of its duties, and to report its findings to the legislature.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 28 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 964-80 Finance on H.C.R. No. 124

The purpose of this concurrent resolution is to approve the development of parcels of land in North Kona for industrial, business and other comparable and permissible uses and to authorize the Department of Land and Natural Resources to develop parcels of land for such uses.

There is substantial demand for industrial land in North Kona on the island of Hawaii, and the State has suitable land located in the Kealakehe Tract which might be used for the development of an industrial park pursuant to H.R.S. section 176-60. In order for the Department of Land and Natural Resources to proceed, however, H.R.S. section 171-60 requires the prior legislative authorization by concurrent resolution, and the Governor's approval.

The Department of Land and Natural Resources has indicated its willingness to explore the feasibility of developing the Kealakehe Tract in conjunction with a private developer and to proceed under the provisions of H.R.S. section 171-60 once so authorized by the Governor and by a concurrent resolution by the legislature.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 124 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 965-80 Finance on H.R. No. 311

The purpose of this resolution is to request the Department of Education, in consultation with the Hawaii State Teachers' Association, to develop controls for the relevancy of coursework used for the reclassification of teachers in the Department of Education.

According to section 297-31, Hawaii Revised Statutes, teachers are allowed to upgrade their salaries by earning additional college credits. However, although these additional credits must be approved by the Department of Education in order to be counted as advancement toward a higher classification, coursework taken to earn the additional credits may not necessarily promote teaching effectiveness.

Your Committee agrees that more effective control should be provided over the teacher classification procedures, such that the coursework acquired by teachers would be directed toward promoting teaching effectiveness on the job.

Your Committee has amended the title and the first be it resolved clause of this resolution to clarify and confine its intent.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 311 as amended herein and recommends its adoption in the form attached hereto as H.R. No. 311, H.D. 1.

Signed by all members of the Committee.

SCRep. 966-80 Finance on H.R. No. 304

The purpose of this resolution is to request the Department of Social Services and Housing (DSSH) to continue the Stay Straight Youth Awareness Program currently being conducted at the Oahu Community Correctional Center. The resolution also requests that the Department conduct an evaluation of the program and report its findings and recommendations prior to the convening of the Regular Session of 1981.

The Stay Straight Youth Awareness Program, also known as IKE NA PAAHAO (Experience of Prisoners) is a program conducted by inmates and volunteers whose objective is to deter juveniles from committing crimes by exposing them to life in prison. Juveniles referred to the program are taken on a guided tour of the prison followed by a group "rap" session with inmates in the cellblock basement.

At the program's inception, sessions were held once a week. However, due to broad acceptance of the program, as indicated by the increasing number of juveniles participating, sessions are now being held almost five days a week.

Your Committee finds that an independent evaluation is currently being conducted and your Committee agrees that the evaluation can be incorporated into the Department's study.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 304, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 967-80 Finance on H.R. No. 277

The purpose of this resolution is to request the energy resources coordinator to report as to whether the addition of fossil fuel catalysts to liquid fuel for the propelling of a motor vehicle results in the reduction of energy consumption and air pollution.

The use of fossil fuel catalysts should be promoted if the desired results are achieved. The report requested by this resolution is appropriate and your Committee therefore agrees with the intent of this resolution.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 277, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 968-80 Finance on H.R. No. 385

The purpose of this resolution is to seek a comprehensive status report of efforts being made to strengthen alumni affairs at the University of Hawaii to especially include details on current progress, any master plans for alumni affairs, reorganization plans involving the Alumni Association, and causes for any delays in implementing efforts to strengthen University of Hawaii alumni affairs.

Several activities designed to restructure and strengthen the campus/alumni relationship and programs are presently in progress. The Manoa Chancellor's Office in cooperation with the current Alumni Association is compiling a list of all Manoa alumni, helping to recruit active dues-paying members, attempting to clarify the relationship of major

organizational units and their campuses to the current organization, assigning a staff assistant part time to work on alumni affairs, and locating the Director of Alumni Affairs Office in Hawaii Hall for improved overview and coordination. These and other activities should vastly improve the Alumni Association's effectiveness and image.

Your Committee agrees that a comprehensive report on all these activities detailing the progress of efforts to strengthen the alumni affairs program is appropriate.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 385, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 969-80

Finance on H.R. No. 374

The purpose of this Resolution is to request the Department of Transportation, in cooperation with the Department of Land and Natural Resources and Planning and Economic Development, to report on its plans for siting of the Commercial Fishing Industry. In addition, the resolution also calls for a progress report on the status of renegotiation efforts of the Hawaiian Tuna Packers, Inc., cannery lease from the Department of Transportation.

The Hawaii Fisheries Development Plan identifies harbor and shoreside infrastructure needs as general constraints restricting the growth of the fishing industry in Hawaii. In fact, the shortage of adequate dock space for commercial fishing vessels is regarded by the Plan to be the major constraint on the growth of the fishing industry.

Most of the existing commercial fisheries infrastructure facilities are located around Kewalo Basin. However, the shortage of berthing space to adequately dock commercial fishing, charter and tour vessels, and the general competitive uses of the area between commercial fishing and tourist-related activities point to a need for the ultimate decision on whether or not Kewalo Basin should be for the commercial fishing or tourist industry.

The Department of Transportation is presently developing concepts for the accommodation of commercial fishing vessels, charter fishing craft and cruise boats within Honolulu Harbor and Kewalo Basin which could be integrated into the 1955 Honolulu Harbor Master Plan. The renegotiation of the Hawaiian Tuna Packers, Inc. cannery lease is underway. For the long range, the proposed master plan for Kewalo Basin will consider the requirements relating to the retention of the cannery and the creation or retention of other supporting facilities.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 374 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 970-80

Finance on H.R. No. 260

This resolution asks the Congress of the United State to consider amending the federal laws relating to banking and the taxation of banks to allow certain cities to be designated as Duty-Free Money Center Cities within which interest income from international loans would be taxed at preferential rates.

Your Committee recognizes that Hawaii's economy is not highly diversified; rather, it is heavily dependent on a small number of primary economic activities. It is important, therefore, that there be encouragement for growth of new and diversified industries in this State. Since Hawaii has a recognized potential for becoming the financial center of the Pacific Basin community, the State should seek to encourage financial institutions which engage in international lending activities to locate here. These businesses would create new jobs for the local work force without threatening the viability of existing banking concerns.

Many of the world's international financial centers such as London, Singapore, and Hong Kong have achieved such status by providing that interest earned on international loans shall be taxed at token rates. In order that U.S. cities be able to compete with these major financial centers by offering similar preferential treatment of international loans, amendments to the federal banking laws and laws regarding the taxation of banking income are necessary.

Your Committee therefore wholeheartedly supports this petition to Congress calling for amendments to the banking and taxation of banks laws in order that a city such as Honolulu could realize its potential of becoming a major center of international finance.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 260 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 971-80 Finance on H.R. No. 212

The purpose of this resolution is to request the Department of Transportation and the Department of Land and Natural Resources to conduct a feasibility study to determine whether or not a statewide outrigger canoe site should be built at Ke'ehi Lagoon instead of Sand Island, and the findings to be submitted at least thirty days prior to the convening of the 1981 legislative session of the House of Representatives.

The sport of outrigger canoe paddling is rapidly gaining popularity throughout the State and is being recognized as a valid competitive sport. Support facilities for this activity are generally lacking. Your Committee agrees that a study should be conducted to determine the preferred location of a proposed facility.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 212 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 972-80 Finance on H.R. No. 98 (Majority)

The purpose of this resolution is to request the State Comptroller and other State user agencies to develop and implement an energy conservation plan for all state buildings and facilities, including recommendations for legislative action to the legislature.

This resolution requests the State Comptroller to prepare and carry out an energy conservation plan for those public facilities under his operational control and those which are not under any specific department's control. Other user agencies of buildings and facilities would develop and implement their own energy conservation plans. These agencies include, but are not limited to: Department of Education, Department of Health, Department of Social Services and Housing, University of Hawaii, Department of Agriculture, Department of Budget and Finance, Department of Transportation and Department of Land and Natural Resources.

This resolution is amended to correct a grammatical error.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 98, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 98, H.D. 2.

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

SCRep. 973-80 Finance on H.R. No. 376

The purpose of this Resolution is to request the Department of Land and Natural Resources to provide guidelines and recommendations for the implementation of Article XI of the Constitution of the State of Hawaii concerning licensing of mariculture operations.

In the report to the Legislature on House Resolution 474, SLH 1979, the department concurred that mariculture development is an important aspect of aquaculture which should be explored by the State. In addition, a joint DLNR-DPED Project entitled: "An Analysis of Factors to be Considered in Developing Guidelines for the Licensing and Regulation of Coastal and Offshore Mariculture Operations in Hawaii" was submitted for financial support under the State's Coastal Zone Management Program for 1979-80, but funding was delayed.

The above mentioned report has now been favorably received and the project will begin in the next few weeks. Your Committee therefore finds that the request made

by this Resolution is in order.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 376 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 974-80 Finance on H.R. No. 47

The purpose of this resolution is to request the Department of Education to conduct a feasibility study regarding establishing computer base education and computer assisted instruction services in elementary and secondary schools.

Computer base education is the use of a computer to assist the instructor in managing the records and other accounting functions associated with regular classroom instruction. Computer assisted instruction is the use of a computer as an instructional device.

The University of Hawaii, after conducting a feasibility study on computer base education and computer assisted instruction, recommended that such facilities and services be expanded at the higher education level. Your Committee believes it is appropriate that the Department of Education conduct a similar study regarding the feasibility of establishing computer base education and computer assisted instruction services at the lower education level.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 47 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 975-80 Finance on H.R. No. 75

The purpose of this resolution is to request the Energy Resources Coordinator and the Office of Consumer Protection to review the solar system standards and other consumer protection safeguards adopted by the Solar Energy Association and by solar energy companies operating in the State.

The quality and installation of the solar water heater products, as well as antitrust ramifications, should the public utilities enter into the industry, are issues that are of importance to the consuming public. The intent of this resolution is to ensure that trade practices in the solar energy industry are consistent with the best interests of the consumer.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 75 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 976-80 Finance on H.R. No. 26

The purpose of this resolution is to request the Department of Education to conduct a study of ways to include more high fiber foods in school lunches, and to prepare such foods more attractively and appetizingly.

Fibrous foods, which include whole grain cereal, brown bread, vegetables, and fruits, are important in a healthy diet. However, food wastage in schools consist primarily of foods which are high in fiber content. Therefore, a study of increasing the intake of fibrous foods requested by this resolution is in order.

The Department of Education (D.O.E.) is currently working in the direction of providing more fibrous foods in school lunches. At present, 25 percent of all rice served in the school food service program is brown rice. Furthermore, the D.O.E. has utilized all of the whole wheat flour which is made available through the United States Department of Agriculture. The D.O.E., through its School Food Service Branch, administers the planning and preparation of school lunches, and therefore has the professional competencies to conduct the study.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 26, H.D.

l, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 977-80 Finance on H.R. No. 39 (Majority)

The purpose of this resolution is to request the State, the counties and private businesses to institute a program of flex-hours and flex-week for non-critical, non-sensitive jobs resulting in staggered four-day, forty-hour workweek.

The intent of an effective and efficient program for flexing work hours and workweeks is to reduce total travel and minimize traffic congestion during travel time, thus reducing the total amount of fuel used and the costs of travel for employees.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 39, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Kunimura.
(Representative Sutton did not concur.)

SCRep. 978-80 Finance on H.C.R. No. 14

The purpose of this resolution is to request all state and county government departments and offices to institute a program of flex-hours and flex-week for non-critical, non-sensitive jobs resulting in staggered four-day, forty-hour workweeks.

The intent of an effective and efficient program for flexing work hours and workweeks is to reduce total travel and minimize traffic congestion during travel time, thus reducing the total amount of fuel used and the costs of travel.

Your Committee on Finance is in accord with the intent and purpose of H.C.R. No. 14, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 979-80 Finance on H.R. No. 186

The purpose of this resolution is to request the Department of Land and Natural Resources to submit a report to the House of Representatives on the feasibility of establishing a comprehensive tour incorporating the many historic facilities in the civic center complex and the visitor parking, loading, and unloading problem. The report shall consist of findings and recommendations and shall be submitted prior to the convening of 1981 Regular Session.

The resolution further resolves that the Department of Accounting and General Services, the City and County Department of Transportation Services, the Friends of Iolani Palace, the Mission House Museum, and Kawaiahao Church assist the Department of Land and Natural Resources in performing the study.

The civic center complex area surrounding the Iolani Palace is filled with historical, cultural, as well as unique architectural designs that are of significant value to the State and its people. Any plan for a comprehensive tour of the various historical buildings in the civic center area needs to consider the adequacy of parking facilities.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 186, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 980-80 Finance on S.C.R. No. 15

This concurrent resolution, as referred to your Committee, requests the Department of Budget and Finance to study and establish a centralized copier and copier/duplicator management program. The concurrent resolution also requests the Department of Budget and Finance to review the current process of competitive bidding for copies and copier/

duplicator in Hawaii.

Under a centralized copier/duplicator program the responsibilities for duplicating and copying services could be consolidated within a State agency. Developing and enforcing policy in this area could help to keep the operational cost of State government down.

While in agreement with the general intent of this resolution, your Committee believes that a feasibility study should be conducted as the first step. The legislature should then review the findings and recommendations, and only after such review, and if it is deemed worthwhile, should it direct the executive agencies to implement a centralized copier/ duplicator management program. Your Committee has therefore deleted all provisions for the implementation of such a program from the title and text of this concurrent resolution.

Your Committee on Finance concurs with the intent and purpose of S.C.R. No. 15, S.D. 1, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 15, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 981-80 Education on H.R. No. 12

The purpose of this resolution is to request the Department of Education and the Department of Labor and Industrial Relations to develop and improve the career fairs and other informational modes for high school students in order to better inform them of job opportunities in local industries, particularly the visitor industry.

Your Committee recognizes the important role that career fairs and other informational modes can play in informing students about the needs in the visitor industry and related job opportunities.

The Department of Education testified in support of the resolution, and reported that the department participates on the Hawaii Career and College Fair Committee and has assisted in expanding the career component of the fair during the past year to insure that students become aware of job opportunities in Hawaii, including jobs in the visitor industry.

The Department of Labor and Industrial Relations also testified in support of the resolution and indicated that they will work with the Department of Education to meet the intent of this resolution.

The State Employment and Training Council also testified in support of the resolution and emphasized that the career fairs expose students and others in the general public to employment and training opportunities.

Your Committee on Education concurs with the intent and purpose of H.R. No. 12, H.D. 1 and recommends its adoption.

Signed by all members of the Committee except Representative Anderson.

SCRep. 982-80 Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 284

The purpose of this resolution is to request the Education and Labor Committee of the United States House of Representatives to conduct hearings on and support the passage of the Native Hawaiian Education Act.

Your Committee heard testimony by the Department of Hawaiian Home Lands in support of this measure which noted that the Act would be a major step in assisting disadvantaged Hawaiian students in overcoming educational, social, economic and related difficulties which impede their progress in school.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 284 and recommends its adoption.

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

SCRep. 983-80 Water, Land Use, Development and Hawaiian Affairs on
H.C.R. No. 90

The purpose of this concurrent resolution is to request the Education and Labor Committee of the United States House of Representatives to conduct hearings on and support the passage of the Native Hawaiian Education Act.

Your Committee heard testimony by the Department of Hawaiian Home Lands in support of this measure which noted that the Act would be a major step in assisting disadvantaged Hawaiian students in overcoming educational, social, economic and related difficulties which impede their progress in school.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 90 and recommends its adoption.

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

SCRep. 984-80 Consumer Protection and Commerce on H.R. No. 331

The purpose of this resolution is to request that the Department of Regulatory Agencies review the Federal Trade Commission's life insurance cost disclosure rules and proposals for possible adoption.

Your Committee finds that life insurance is important both to the general economy and to most individuals. Your Committee believes that full disclosure is important to allow consumers to make informed decisions, and therefore supports the intent of the resolution to study the requiring of life insurance cost disclosure.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. 331 and recommends its adoption.

Signed by all members of the Committee except Representative Nakamura.

SCRep. 985-80 Ecology and Environmental Protection and Water, Land Use,
Development and Hawaiian Affairs on H.C.R. No. 43

The purpose of this concurrent resolution is to request the Department of Health to investigate the methods used for radioactive waste disposal by licensees in Hawaii, and with the cooperation of the Department of Land and Natural Resources and the Office of Environmental Quality Control to develop alternate methods of low-level radioactive waste disposal.

Presently, all of the long-life low-level radioactive waste in the State is disposed of through the shipment of the materials to burial sites on the mainland. However, these alternatives may be foreclosed to Hawaii due to pending regulations prohibiting out-of-state generators of radioactive wastes from using these sites.

Your committees find that in order to insure the continued beneficial use of radioactive materials in medicine, research, industry and agriculture, an alternate solution to the problem of low-level radioactive waste disposal should be investigated in the event that the mainland burial sites become unavailable.

Your Committees have amended this resolution by adding the phrase "in the event that disposal outside the State is not feasible" to the second "BE IT RESOLVED" clause and to the seventh "WHEREAS" clause which has also been amended by changing "needs" to "will need". The second "BE IT RESOLVED" clause is amended to request the Department of Health to "investigate" rather than "develop" alternate methods of low-level radioactive waste disposal. These changes reflect the legislature's concern that the storage or disposal of radioactive materials be allowed in the State of Hawaii only after all viable alternatives have been exhausted.

Your Committees on Ecology and Environmental Protection and Water, Land Use Development, and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 43, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 43, H.D. 1.

Signed by all members of the Committees except Representatives
Garcia and Anderson.

SCRep. 986-80

Employment Opportunities and Labor Relations; Higher Education;
and Education on H.C.R. No. 96

The purpose of this concurrent resolution is to request the State Advisory Commission on Manpower and Full Employment to conduct a study on the effectiveness of the administration and coordination of vocational education and related manpower training and development programs.

The State Commission on Manpower and Full Employment testified that there have been significant steps taken to improve coordination among the various employment training and vocational education programs, especially in regard to developing occupational information and data. The development of Career Kokua, the computer-based career guidance system and the activities of the Hawaii State Occupational Information Coordinating Committee are indicators of the progress made.

However, the Commission points out that there are still many problem areas such as the desire to retain administrative control on the part of each agency, the difficulties in awarding academic credit for work experience, sharing facilities and coordinating schedules of classes, and the differences in planning and funding cycles. There needs to be better coordination between economic development and job creation and employment training programs.

For these reasons, the Commission strongly supports the proposed study. The Department of Labor and Industrial Relations and the Department of Education testified that they will cooperate with and assist the Commission on Manpower and Full Employment in the performance of the study.

The Commission requested clarification concerning the request in the concurrent resolution to study the "legal and program feasibility of establishing within the Office of the Governor of Hawaii, a State Board for Vocational Education as an alternative to the existing State Board for Vocational Education". There were bills on vocational education governance before in the Legislature and the Commission has already taken a position on this issue. Therefore, your Committees have retained this request with the understanding that the study would be presented as an expanded position paper rather than an objective study.

Your Committees believe that the study of the administration of vocational education should be considered a follow-up to the original one conducted five years ago by the Legislative Reference Bureau (Vocational Education in Hawaii, an Examination of Its Administration, February 1975). This coming year would be an appropriate time to review the progress made by vocational education during the past five years.

Your Committees have made non-substantive amendments to this concurrent resolution for clarity and style.

Your Committees on Employment Opportunities and Labor Relations, Higher Education and Education concur with the intent and purpose of H.C.R. No. 96, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 96, H.D. 1.

Signed by all members of the Committees except Representative Nakamura.

SCRep. 987-80

Employment Opportunities and Labor Relations; and Public
Employment and Government Operations on H.R. No. 474

The purpose of this resolution is to request the United States Congress and the Secretary of Labor to devise an equitable and workable CETA-Public Service Employment Average Annual Wage Index.

The average annual wage rate is set at an unrealistically low level of \$7,093 annually per position. Currently only two classes of government jobs have entry level wages below the average wage. As of July 1, 1980, there will be no class with entry level wages below the average wage of \$7,093.

Testimony from the Department of Labor and Industrial Relations indicates that it is severely underspending and expects to return funds to the U.S. Department of Labor for the current fiscal year. It strongly supports the intent of this resolution.

Your Committee agrees that the only solution to this problem is for Congress to change

the public service employment average wage provision as applied to Hawaii.

Your Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations concur with the intent and purpose of H.R. No. 474 and recommend its referral to the Committee on Finance.

Signed by all members of the Committees except Representative Nakamura.

SCRep. 988-80 Employment Opportunities and Labor Relations; and Consumer Protection and Commerce on H.R. No. 345

The purpose of this resolution is to request the Department of Labor and Industrial Relations to conduct a study of the need to regulate persons providing health and safety hazard control and prevention services to the public and private sectors.

Testimony from the Department of Labor and Industrial Relations was favorable and the Department stands ready to work with the Committees and to conduct the study.

Your Committees have amended this resolution to clarify the intent of the resolution and to delete vague and ambiguous language.

Your Committees on Employment Opportunities and Labor Relations and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 345, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 345, H.D. 1.

Signed by all members of the Committees except Representatives Aki, Garcia and Nakamura.

SCRep. 989-80 Employment Opportunities and Labor Relations; Higher Education; and Education on H.R. No. 297

The purpose of this resolution is to request the State Advisory Commission on Manpower and Full Employment to conduct a study on the effectiveness of the administration and coordination of vocational education and related manpower training and development programs.

The State Commission on Manpower and Full Employment testified that there have been significant steps taken to improve coordination among the various employment training and vocational education programs, especially in regard to developing occupational information and data. The development of Career Kokua, the computer-based career guidance system and the activities of the Hawaii State Occupational Information Coordinating Committee are indicators of the progress made.

However, the Commission points out that there are still many problem areas such as the desire to retain administrative control on the part of each agency, the difficulties in awarding academic credit for work experience, sharing facilities and coordinating schedules of classes, and the differences in planning and funding cycles. There needs to be better coordination between economic development and job creation and employment training programs.

For these reasons, the Commission strongly supports the proposed study. The Department of Labor and Industrial Relations and the Department of Education testified that they will cooperate with and assist the Commission on Manpower and Full Employment in the performance of the study.

The Commission requested clarification concerning the request in the resolution to study the "legal and program feasibility of establishing within the Office of the Governor of Hawaii, a State Board for Vocational Education as an alternative to the existing State Board for Vocational Education". There were bills on vocational education governance before in the Legislature and the Commission has already taken a position on this issue. Therefore, your Committees have retained this request with the understanding that the study would be presented as an expanded position paper rather than an objective study.

Your Committees believe that the study of the administration of vocational education should be considered a follow-up to the original one conducted five years ago by the Legislative Reference Bureau (Vocational Education in Hawaii, an Examination of Its

Administration, February 1975). This coming year would be an appropriate time to review the progress made by vocational education during the past five years.

Your Committees have made non-substantive amendments to this resolution for clarity and style.

Your Committees on Employment Opportunities and Labor Relations, Higher Education and Education concur with the intent and purpose of H.R. No. 297, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 297, H.D. 1.

Signed by all members of the Committees except Representative Nakamura.

SCRep. 990-80

State General Planning; and Energy on H.C.R. No. 73

The primary purpose of this concurrent resolution, as received by your Committees is to adopt the State Energy Plan of February, 1980, (prepared by the Department of Planning and Economic Development and as submitted to the Legislature) "as a functional plan for the State of Hawaii in furtherance of Chapter 226, Hawaii Revised Statutes."

Your Committees have amended the original primary purpose so that the primary purpose of the amended concurrent resolution is to have the State Energy Plan of February, 1980, (prepared by the Department of Planning and Economic Development and as submitted to the Legislature) serve as the primary technical reference document for the State functional plan for Energy and, in accordance with Chapter 226, Hawaii Revised Statutes, to have the plan as set forth in Exhibit A, attached to the amended concurrent resolution, be adopted as the State Energy Functional Plan.

The Hawaii State Planning Act (Act 100, SLH 1978; now Chapter 226, Hawaii Revised Statutes) requires the preparation of functional plans in specified areas for submittal to the Legislature for review, modification, and, as appropriate, adoption of each functional plan by concurrent resolution. The functional plans are designed to implement the broad goals, objectives, policies, and priority directions contained in the Hawaii State Planning Act, also referred to as the Hawaii State Plan, Chapter 226, Hawaii Revised Statutes and, accordingly, set forth specific policies, programs, and projects designed to implement the objectives of a specific field of activity, when such activity or program is proposed, administered, or funded by any agency of the State.

In accordance with the provisions of Chapter 226, Hawaii Revised Statutes, the Department of Planning and Economic Development prepared the State Energy Plan of February, 1980, designed to implement the objectives for energy in Hawaii and the plan has been submitted to the Tenth Legislature during the Regular Session of 1980.

Upon review, your Committees find that the State Energy Plan, as submitted, needs to be modified to more accurately reflect the desired policies, programs and projects of the Legislature with respect to energy and to more accurately meet the content requirements in the definition of "functional plan" specified in Chapter 226, Hawaii Revised Statutes.

Although the State Energy Plan of February, 1980, provides useful background data on issues and problems relating to energy in Hawaii, your Committees find that such information should not be included as a part of the functional plan for energy in order to comport to the requirements of Chapter 226, Hawaii Revised Statutes, relating to functional plans. The deletion of such background data from the State Energy Functional Plan and the format changes to the Plan of February, 1980, are intended to improve the clarity and organization, and to reduce the excessive length of the functional plan for energy in order to make said functional plan a more effective and readily useable document.

In view of the foregoing, your Committees have modified the State Energy Plan of February, 1980, (prepared by the Department of Planning and Economic Development) and, using said Plan as a base document, have prepared the plan set forth in Exhibit A, attached to the concurrent resolution, for adoption as the State Energy Functional Plan in accordance with Chapter 226, Hawaii Revised Statutes. Your Committees intend, however, that the State Energy Plan of February, 1980, serve as the primary technical reference document for the State Energy Functional Plan (Exhibit A).

Your Committees note that the State Energy Functional Plan (Exhibit A) assigns the overall responsibility for the administration and implementation of the State Energy Functional Plan to the Department of Planning and Economic Development and consists

primarily of the objectives, policies, and implementing actions contained in the State Energy Plan. In addition, however, the State Energy Functional Plan (1) includes the use of telecommunications to reduce energy consumption; and (2) contains modified objectives, policies, and implementing actions.

Subsequent to your Committees' review and modification of the State Energy Plan and the preparation of Exhibit A, the Committees have amended the various "Whereas" clauses of the original concurrent resolution in order to:

- (1) Clarify and set forth the requirements of the Hawaii State Plan in greater detail, particularly with respect to the preparation and adoption of functional plans;
- (2) Add a "Whereas" clause which states the Hawaii State Plan objectives for energy in Hawaii; and
- (3) Add a "Whereas" clause which states that the Legislature has reviewed the State Energy Plan of February, 1980, and finds that the State Energy Plan should be modified in order to more effectively coordinate and direct the actions of State and county agencies with respect to energy.

Your Committees have also amended the various "Resolved" clauses of the concurrent resolution so that now:

- (1) The State Energy Plan of February, 1980, prepared by the Department of Planning and Economic Development, serves as the primary technical reference document for the State functional plan for energy rather than as the State functional plan for energy;
- (2) The plan set forth in Exhibit A attached to the concurrent resolution is adopted as the State functional plan for energy in accordance with Chapter 226, Hawaii Revised Statutes, and hereafter be referred to as the State Energy Functional Plan; and
- (3) The Department of Planning and Economic Development is required to:
 - (a) Annually submit to the State Plan Policy Council and the Legislature a complete and detailed progress report on the implementation of the State Energy Functional Plan, including any attendant problems requiring review or action by the Policy Council or the Legislature;
 - (b) Revise the State Energy Plan of January, 1980, to make it consistent with the State Energy Functional Plan (Exhibit A) as adopted by the Legislature;
 - (c) Conduct a comprehensive review and revision of the State Energy Plan at least once every four years, commencing in 1982, so that it is consistent and complies with the Hawaii State Plan, and, as may be necessary, with the State Energy Functional Plan (Exhibit A);
 - (d) Review the implementing actions contained in the State Energy Functional Plan (Exhibit A) at least once every even-numbered year, commencing in 1980, and update them if necessary to ensure that such implementing actions are consistent with Part III (Priority Directions), and other relevant provisions of the Hawaii State Plan; and
 - (e) Submit, to the Policy Council and the Legislature during the appropriate regular sessions, its findings and recommendations, including any related budget recommendations, to update, revise, or otherwise amend or improve the State Energy Functional Plan.

In summary, the purposes of these amendments to the "Be It Resolved" clauses are to adopt the plan set forth in Exhibit A attached to the concurrent resolution as the State Energy Functional Plan in accordance with Chapter 226, Hawaii Revised Statutes; to have the State Energy Plan of February, 1980, prepared by the Department of Planning and Economic Development serve as the technical reference document for background information and data on issues and problems relating to Energy and energy-related activities and for the rationale of the objectives, policies, and implementing actions contained in the State Energy Functional Plan (Exhibit A); and to direct the Department of Planning and Economic Development to periodically review and revise the State Energy Plan of February, 1980, and to periodically review the State Energy Functional Plan (Exhibit A) and to submit recommendations to the State Plan Policy Council and the

Legislature to update, revise, or otherwise improve that functional plan (Exhibit A).

Your Committees have also amended the title of the concurrent resolution from "RELATING TO AN ENERGY FUNCTIONAL PLAN" to "RELATING TO THE STATE ENERGY FUNCTIONAL PLAN."

Other technical, non-substantive amendments to this concurrent resolution were made for the purpose of clarity and style.

Your Committees on State General Planning and Energy concur with the intent and purpose of H.C.R. No. 73, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 73, H.D. 1.

Signed by all members of the Committees.

SCRep. 991-80 State General Planning; and Housing on H.C.R. No. 104
(Majority)

The primary purpose of this concurrent resolution, as received by your Committees is to adopt the State Housing Plan of February, 1980, (prepared by the Hawaii Housing Authority and as submitted to the Legislature) "as a functional plan for the State of Hawaii in furtherance of Chapter 226, Hawaii Revised Statutes."

Your Committees have amended the original primary purpose so that the primary purpose of the amended concurrent resolution is to have the State Housing Plan of February, 1980, (prepared by the Hawaii Housing Authority and as submitted to the Legislature) serve as the primary technical reference document for the State functional plan for housing and, in accordance with Chapter 226, Hawaii Revised Statutes, to have the plan as set forth in Exhibit A, attached to the amended concurrent resolution, be adopted as the State Housing Functional Plan.

The Hawaii State Planning Act (Act 100, SLH 1978; now Chapter 226, Hawaii Revised Statutes) requires the preparation of functional plans in specified areas for submittal to the Legislature for review, modification, and, as appropriate, adoption of each functional plan by concurrent resolution. The functional plans are designed to implement the broad goals, objectives, policies, and priority directions contained in the Hawaii State Planning Act, also referred to as the Hawaii State Plan, Chapter 226, Hawaii Revised Statutes and, accordingly, set forth specific policies, programs, and projects designed to implement the objectives of a specific field of activity, when such activity or program is proposed, administered, or funded by any agency of the State.

In accordance with the provisions of Chapter 226, Hawaii Revised Statutes, the Hawaii Housing Authority prepared the State Housing Plan of February, 1980, designed to implement the objectives for housing in Hawaii and the plan has been submitted to the Tenth Legislature during the Regular Session of 1980.

Upon review, your Committees find that the State Housing Plan, as submitted, needs to be modified to more accurately reflect the desired policies, programs and projects of the Legislature with respect to housing and to more accurately meet the content requirements in the definition of "functional plan" specified in Chapter 226, Hawaii Revised Statutes.

Although the State Housing Plan of February, 1980, provides useful background data on issues and problems relating to housing in Hawaii, your Committees find that such information should not be included as a part of the functional plan for housing in order to comport to the requirements of Chapter 226, Hawaii Revised Statutes, relating to functional plans. The deletion of such background data from the State Housing Functional Plan and the format changes to the Plan of February, 1980, are intended to improve the clarity and organization, and to reduce the excessive length of the functional plan for housing in order to make said functional plan a more effective and readily usable document.

In view of the foregoing, your Committees have modified the State Housing Plan of February, 1980, (prepared by the Hawaii Housing Authority) and, using said Plan as a base document, have prepared the plan set forth in Exhibit A, attached to the concurrent resolution, for adoption as the State Housing Functional Plan in accordance with Chapter 226, Hawaii Revised Statutes. Your Committees intend, however, that the State Housing Plan of February, 1980, serve as the primary technical reference document for the

State Housing Functional Plan (Exhibit A).

Your Committees note that the State Housing Functional Plan (Exhibit A) assigns the overall responsibility for the administration and implementation of the State Housing Functional Plan to the Hawaii Housing Authority and consists primarily of the priority objectives, policies, and implementing actions contained in the State Housing Plan with minor modifications made by the Committees.

Subsequent to your Committees' review and modification of the State Housing Plan and the preparation of Exhibit A, the Committees have amended the various "Whereas" clauses of the original concurrent resolution in order to:

- (1) Clarify and set forth the requirements of the Hawaii State Plan in greater detail, particularly with respect to the preparation and adoption of functional plans;
- (2) Add a "Whereas" clause which states the Hawaii State Plan objectives for housing in Hawaii; and
- (3) Add a "Whereas" clause which states that the Legislature has reviewed the State Housing Plan of February, 1980 and finds that the State Housing Plan should be modified in order to more effectively coordinate and direct the actions of State and county agencies with respect to housing.

Your Committees have also amended the various "Resolved" clauses of the concurrent resolution so that now:

- (1) The State Housing Plan of February, 1980, prepared by the Hawaii Housing Authority, serves as the primary technical reference document for the State functional plan for housing rather than as the State functional plan for housing;
- (2) The plan set forth in Exhibit A attached to the concurrent resolution is adopted as the State functional plan for housing in accordance with Chapter 226, Hawaii Revised Statutes, and will hereafter be referred to as the State Housing Functional Plan; and
- (3) The Hawaii Housing Authority is required to:
 - (a) Annually submit to the State Plan Policy Council and the Legislature a complete and detailed progress report on the implementation of the State Housing Functional Plan, including any attendant problems requiring review or action by the Policy Council or the Legislature;
 - (b) Revise the State Housing Plan of February, 1980 to make it consistent with the State Housing Functional Plan (Exhibit A) as adopted by the Legislature;
 - (c) Conduct a comprehensive review and revision of the State Housing Plan at least once every four years, commencing in 1982, so that it is consistent and complies with the Hawaii State Plan, and, as may be necessary, with the State Housing Functional Plan (Exhibit A);
 - (d) Review the implementing actions contained in the State Housing Functional Plan (Exhibit A) at least once every even-numbered year, commencing in 1980, and update them if necessary to ensure that such implementing actions are consistent with Part III (Priority Directions), and other relevant provisions of the Hawaii State Plan; and
 - (e) Submit, to the Policy Council and the Legislature during the appropriate regular sessions, its findings and recommendations, including any related budget recommendations, to update, revise, or otherwise amend or improve the State Housing Functional Plan.

In summary, the purposes of these amendments to the "Be It Resolved" clauses are to adopt the plan set forth in Exhibit A attached to the concurrent resolution as the State Housing Plan in accordance with Chapter 226, Hawaii Revised Statutes; to have the State Housing Plan of February, 1980, prepared by the Hawaii Housing Authority serve as the technical reference document for background information and data on issues and problems relating to housing and for the rationale of the objectives, policies, and implementing actions contained in the State Housing Functional Plan (Exhibit A); and to direct the Hawaii Housing Authority to periodically review and revise the State Housing Plan of February, 1980, and to periodically review the State Housing Functional

Plan (Exhibit A) and to submit recommendations to the State Plan Policy Council and the Legislature to update, revise, or otherwise improve that functional plan (Exhibit A).

Your Committees have also amended the title of the concurrent resolution from "ADOPTING A FUNCTIONAL PLAN FOR HOUSING" to "RELATING TO THE STATE HOUSING FUNCTIONAL PLAN."

Other technical, non-substantive amendments to this concurrent resolution were made for the purpose of clarity and style.

Your Committees on State General Planning and Housing concur with the intent and purpose of H.C.R. No. 104, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 104, H.D. 1.

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

SCRep. 992-80 Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 394

The purpose of this resolution is to request the Department of Hawaiian Home Lands to provide a detailed definition or interpretation of a cultural "live-in" park in order to clarify the operational structure of such a park, as well as what it should encompass to accomplish its goals. Your Committee is in accord with the purpose of this resolution for "live-in" cultural parks would help to perpetuate positive aspects of ancient cultures such as the Hawaiian culture, by incorporating such aspects into the daily lives of the park residents.

Testimony was received from the Department of Hawaiian Home Lands to the effect that the Department felt it lacked the in-house expertise and the financial capabilities to undertake such a project. The Department suggested that the requested definition or interpretation could more properly be done by other non-governmental agencies such as the Bishop Museum. Your Committee agrees with the testimony presented and has amended the resolution to request the Department of Land and Natural Resources, rather than the Department of Hawaiian Home Lands, to define the concept of a cultural "live-in" park.

Your Committee has also amended the resolution by adding a new BE IT FURTHER RESOLVED clause to require the Department of Land and Natural Resources to report its findings and recommendations to the Legislature twenty days before the convening of the Regular Session of 1981, and by requesting that a certified copy of the resolution be transmitted to the Chairman of the Board of Land and Natural Resources. Furthermore, your Committee has made technical, non-substantive changes in regard to the resolution.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of H.R. No. 394 and recommends its adoption in the form attached hereto as H.R. No. 394, H.D. 1.

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

SCRep. 993-80 Finance on H.R. No. 22

The purpose of this resolution is to promote better feedback by users of public buildings which can be useful in the design and construction of new buildings.

The intent of this resolution is to activate liaisons in various user agencies for the purpose of coordinating the design and construction of capital improvement projects so that such projects will be functionally adequate after their completion.

Your Committee agrees with the request made by this resolution to the various user agencies and to the department of accounting and general services.

Your Committee has amended this resolution to correct a grammatical error in the title and the first be it resolve clause.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 22, H.D. 1,

as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 22, H.D. 2.

Signed by all members of the Committee.

SCRep. 994-80 Finance on H.C.R. No. 65

The purpose of this resolution is to request the legislature to approve the report submitted by the personnel directors of the State, the Judiciary and counties, including the report published by the Public Employees Compensation Appeals Board.

The report reflects findings and recommendations of the Conference of Personnel Directors and the Public Employees Compensation Appeals Board relative to repricing adjustments for the blue collar and white collar compensation plans for the State of Hawaii, the Judiciary and the counties.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 65 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 995-80 Finance on H.C.R. No. 98

The purpose of this concurrent resolution is to request the Department of Planning and Economic Development to proceed with the advance planning necessary to implement the Aloha Tower Plaza project.

This concurrent resolution further resolves that the CIP funds appropriated in Act 214, 1979 Session Laws of Hawaii, be available to the Department of Planning and Economic Development to be used for necessary planning.

Your Committee agrees with the Aloha Tower Plaza project as a maritime and business development for downtown Honolulu. With the favorable indication of the project's economic feasibility, while retaining and redeveloping the maritime facilities, the project should proceed so that Honolulu can match other cities in the active public use and economic renewal of unique waterfront sites.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 98, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 996-80 Transportation on H.R. No. 375

The purpose of this resolution is explained in its title.

The Department of Transportation agrees with the intent and purpose of this resolution, but expressed doubt as to their effectiveness in keeping trucks out of inbound lanes on the Likelike and Pali Highways.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 375 and recommends it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 997-80 Transportation on H.R. No. 422

The purpose of this resolution is to express support of a bikeway between Waimea and Kehaha on the island of Kauai.

The Department of Transportation concurs with the intent and purpose of this resolution, noting that this is one of the priority bikeway projects in the Kauai Bikeway Plan.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 422 and recommends it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 998-80 Transportation on H.R. No. 234

The purpose of this resolution is explained in its title.

The Department of Transportation testified in support of this resolution stating that at present the Highways Division is using Capitol Improvement Projects to convert from mercury vapor and incandescent lights to high and low pressure sodium lamps.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 234 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 999-80 Transportation on H.R. No. 343

The purpose of this resolution is to request a study of the feasibility of promoting the voluntary use of safety belts and child restraint devices through a public information and education program.

The Department of Transportation agrees that the problem identified in this resolution needs attention.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 343 and recommends it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1000-80 Transportation on H.C.R. No. 105

The purpose of this concurrent resolution is to request a study of the feasibility of promoting the voluntary use of safety belts and child restraint devices through a public information and education program.

The Department of Transportation agrees that the problem identified in this resolution needs attention.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 105 and recommends it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1001-80 Public Assistance and Human Services on H.R. No. 306

The purpose of this resolution is to request the department of social services and housing to conduct a study on the feasibility of establishing a Hawaii state veterans home which offers nursing care, domiciliary care, or both, to veterans in Hawaii and to report its findings prior to the convening of the 1981 legislative session.

Your Committee finds that the federal government recognizes the growing need for state veterans homes in the nation and has made funds available for the construction or remodeling of such homes. Because the building of such a home entails many steps, a thorough feasibility study is necessary.

Your Committee has amended this resolution by designating the Department of Land and Natural Resources, rather than the Department of Social Services and Housing, as the State agency to conduct this study because of the following considerations:

(1) According to written testimony submitted by the Department of Social Services and Housing (DSSH), DSSH believes that the more appropriate agency to conduct this study is the Department of Health (DOH). DSSH proposed this amendment on the basis that DOH currently "has the functions of acquiring and operating nursing homes and other care facilities" and therefore would be the more appropriate agency to conduct this feasibility study on a care facility for veterans.

(2) According to written testimony submitted by the Hawaii State Veterans Council, the Council believes that the Department of Health "has failed to carry out any further activity" in follow-up to the 1977 Legislative Reference Bureau study **entitled**

"Hawaii State Veterans Home: A Feasibility Study." Additionally the Council testified that there is a parcel of land and a building (Unit G) at the Tripler Army Medical Center which, if transferred to the State, could be used for a State-operated veterans' home. The Council suggested that the Department of Land and Natural Resources be designated to enter into negotiations with the federal government for such a land transfer.

(3) In view of the foregoing, your Committee believes that rather than designating the Department of Health or the Department of Social Services and Housing to conduct a study on establishing a State veterans home, the Department of Land and Natural Resources is an appropriate agency because of the possible need to conduct negotiations with the federal government as mentioned in (2) above. Additionally, your Committee believes that an agency such as the Department of Land and Natural Resources, which is not usually involved in matters relating to nursing homes and other health-care facilities, should be able to provide an unbiased perspective or frame of reference in conducting the study and in formulating the subsequent recommendations.

Your Committee has also amended this resolution by adding another BE IT RESOLVED clause which provides that ". . . the Department of Land and Natural Resources is requested to review and make appropriate use of other studies having relevance to the establishment of a home to provide domiciliary or nursing care to veterans or comparable groups in Hawaii, including but not limited to the January, 1977 Legislative Reference Bureau study entitled "Hawaii State Veterans Home: A Feasibility Study."

Your Committee believes that a review of such studies should assist the Department in preparing for and conducting the requested study.

Your Committee on Public Assistance and Human Services concurs with the intent and purpose of H.R. No. 306, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 306, H.D. 1.

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

SCRep. 1002-80

Public Assistance and Human Services on H.C.R. No. 99

The purpose of this concurrent resolution is to request the department of social services and housing to conduct a study on the feasibility of establishing a Hawaii state veterans home which offers nursing care, domiciliary care, or both, to veterans in Hawaii and to report its findings prior to the convening of the 1981 legislative session.

Your Committee finds that the federal government recognizes the growing need for state veterans homes in the nation and has made funds available for the construction or remodeling of such homes. Because the building of such a home entails many steps, a thorough feasibility study is necessary.

Your Committee has amended this concurrent resolution by designating the Department of Land and Natural Resources, rather than the Department of Social Services and Housing, as the State agency to conduct this study because of the following considerations:

(1) According to written testimony submitted by the Department of Social Services and Housing (DSSH), DSSH believes that the more appropriate agency to conduct this study is the Department of Health (DOH). DSSH proposed this amendment on the basis that DOH currently "has the functions of acquiring and operating nursing homes and other care facilities" and therefore would be the more appropriate agency to conduct this feasibility study on a care facility for veterans.

(2) According to written testimony submitted by the Hawaii State Veterans Council, the Council believes that the Department of Health "has failed to carry out any further activity" in follow-up to the 1977 Legislative Reference Bureau study entitled "Hawaii State Veterans Home: A Feasibility Study." Additionally the Council testified that there is a parcel of land and a building (Unit G) at the Tripler Army Medical Center which, if transferred to the State, could be used for a State-operated veterans' home. The Council suggested that the Department of Land and Natural Resources be designated to enter into negotiations with the federal government for such a land transfer.

(3) In view of the foregoing, your Committee believes that rather than designating the Department of Health or the Department of Social Services and Housing to conduct a study on establishing a State veterans home, the Department of Land and Natural Resources is an appropriate agency because of the possible need to conduct negotiations with the

federal government as mentioned in (2) above. Additionally, your Committee believes that an agency such as the Department of Land and Natural Resources, which is not usually involved in matters relating to nursing homes and other health-care facilities, should be able to provide an unbiased perspective or frame of reference in conducting the study and in formulating the subsequent recommendations.

Your Committee has also amended this concurrent resolution by adding another BE IT RESOLVED clause which provides that ". . . the Department of Land and Natural Resources is requested to review and make appropriate use of other studies having relevance to the establishment of a home to provide domiciliary or nursing care to veterans or comparable groups in Hawaii, including but not limited to the January, 1977 Legislative Reference Bureau study entitled "Hawaii State Veterans Home: A Feasibility Study."

Your Committee believes that a review of such studies should assist the Department in preparing for and conducting the requested study.

Your Committee on Public Assistance and Human Services concurs with the intent and purpose of H.C.R. No. 99, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 99, H.D. 1.

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

SCRep. 1003-80 Public Assistance and Human Services on H.R. No. 322

The purpose of this resolution is to encourage the development of the relative home maintenance assistance program and to request a report on progress on the program prior to the convening of the 1981 legislative session.

Your Committee recognizes the need to support at-home, non-institutional care and feels that this program could well handle needs in this area. Therefore, further development of the program is warranted at this time.

Your Committee on Public Assistance and Human Services concurs with the intent and purpose of H.R. No. 322 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1004-80 Public Assistance and Human Services on H.R. No. 342

The purpose of this resolution is to request the department of health and the department of social services and housing to increase services in the form of appropriate day programs to developmentally disabled adults aged twenty and over. It further requests that the state planning council on developmental disabilities serve in an advisory capacity regarding desired day programs.

Your Committee recognizes that developmentally disabled adults require services to ensure that they have the opportunity to participate in life at the optimum level of their potential, yet the statutory obligations of the State to provide such services to these individuals only go through age twenty. Thus, an increase in services provided is needed.

Your Committee on Public Assistance and Human Services concurs with the intent and purpose of H.R. No. 342 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1005-80 Public Assistance and Human Services; and Public Employment
and Government Operations on H.R. No. 150

The purpose of this resolution is to request the department of budget and finance and the department of social services and housing to cooperatively provide for the "top priority upgrade" of the electronic data systems of the public assistance programs, including the storage devices instead of tape; and for the immediate implementation of distributed processing for satellite public assistance units of the department of social services and housing.

The resolution requests a report on the implementation of the request as well. Your Committees recognize the need for the upgrading of the system and strongly support departmental efforts in this area.

Your Committees have deleted the fourth, fifth, and sixth WHEREAS clauses on page 2 of this resolution and have replaced them with the following WHEREAS clause: "WHEREAS, DSSH's accounting and modified management information systems, which both contain data on public assistance, should have top priority as ongoing programs of EDP."

Your Committees find that the replaced WHEREAS clauses, relating to EDP's priority plan and certain priority ranks assigned to DSSH's accounting and modified management systems, are not completely accurate because DSSH's accounting and modified management systems are currently ongoing programs and therefore are not a part of, or accorded priorities under, EDP's priority plan for programs not yet implemented or ongoing. Accordingly, your Committees have added the new WHEREAS clause in order to ensure that DSSH's accounting and modified management information system will be given top priority as ongoing programs.

Your Committees have also deleted the phrase "instead of the social services program" from line 8 of the first BE IT RESOLVED clause on page 3 of the resolution.

Your Committees on Public Assistance and Human Services and Public Employment and Government Operations concur with the intent and purpose of H.R. No. 150, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 150, H.D. 1.

Signed by all members of the Committees except Representatives
Andrews, de Heer, Dods, Kiyabu, Kunimura, D. Yamada, Ikeda and
Medeiros.

SCRep. 1006-80 Public Assistance and Human Services; and Public Employment
and Government Operations on H.R. No. 470

The purpose of this resolution is to request the department of social services and housing to conduct a study of the adequacy of personnel requirements in the public assistance programs and to report on its findings prior to the 1981 legislative session.

Your Committees recognize the need for such a study and thus support the intent and purpose of this resolution.

Your Committees on Public Assistance and Human Services and Public Employment and Government Operations concur with the intent and purpose of H.R. No. 470 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives
Andrews, de Heer, Dods, Kiyabu, Kunimura, D. Yamada, Ikeda and
Medeiros.

SCRep. 1007-80 Public Assistance and Human Services; and Consumer Protection
and Commerce on H.R. No. 487

The purpose of this resolution as amended is to request the Legislative Reference Bureau to study various means to assist low-income families in meeting utility charges.

Your Committees find that there are numerous social, financial and energy conservation considerations which must be weighed before enactment and implementation of an assistance program.

Your Committees have amended the resolution by redrafting the resolution to broaden the purpose and to include all means or programs to assist low-income families in meeting utility charges. Your Committees have amended the title of the concurrent resolution to reflect its amended purpose and to read: "HOUSE RESOLUTION REQUESTING A STUDY ON VARIOUS MEANS TO ASSIST LOW-INCOME FAMILIES IN MEETING UTILITY CHARGES."

Your Committees on Public Assistance and Human Services and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 487, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto

as H.R. No. 487, H.D. 1.

Signed by all members of the Committees except Representatives Garcia, Ige, Larsen, D. Yamada, Ikeda and Medeiros.

SCRep. 1008-80 Public Assistance and Human Services; and Consumer Protection and Commerce on H.C.R. No. 135

The purpose of this concurrent resolution as amended is to request the Legislative Reference Bureau to study various means to assist low-income families in meeting utility charges.

Your Committees find that there are numerous social, financial and energy conservation considerations which must be weighed before enactment and implementation of an assistance program.

Your Committees have amended the resolution by redrafting the resolution to broaden the purpose and to include all means or programs to assist low-income families in meeting utility charges. Your Committees have amended the title of the concurrent resolution to reflect its amended purpose and to read: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON VARIOUS MEANS TO ASSIST LOW-INCOME FAMILIES IN MEETING UTILITY CHARGES."

Your Committees on Public Assistance and Human Services and Consumer Protection and Commerce concur with the intent and purpose of H.C.R. No. 135, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 135, H.D. 1.

Signed by all members of the Committees except Representatives Garcia, Ige, Kobayashi, Larsen, D. Yamada, Ikeda and Medeiros.

SCRep. 1009-80 Public Assistance and Human Services; and Health on H.C.R. No. 44

The purpose of this concurrent resolution is to request the department of social services and housing to determine the costs of establishing and implementing a telecommunications system for use by deaf and home-bound handicapped persons which would enable them to communicate with legislators and state and county government offices; to determine the length of time it would take to establish and implement such a system; to determine the numbers of persons which could be served by such a system; to study the feasibility of a telecommunications system in light of the cost, time, and numbers of potential users; and to determine what federal funds would be available to assist in the establishment and implementation of a telecommunications system.

Your Committees believe that a thorough study of this matter should be undertaken in order that the needs of the handicapped are better met.

Your Committees have amended the resolution by substituting the term "home-bound handicapped persons" with the term "speech impaired persons" throughout the concurrent resolution. The term "speech impaired persons" more appropriately describes another category of handicapped persons (in addition to deaf persons) who are in need of a telecommunications system. The title of the concurrent resolution has also been amended to reflect this language substitution.

Your Committees on Public Assistance and Human Services and Health concur with the intent and purpose of H.C.R. No. 44, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 44, H.D. 1.

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

SCRep. 1010-80 Public Assistance and Human Services; and Health on H.R. No. 35

The purpose of this resolution is to request the department of social services and housing to determine the costs of establishing and implementing a telecommunications

system for use by deaf and home-bound handicapped persons which would enable them to communicate with legislators and state and county government offices; to determine the length of time it would take to establish and implement such a system; to determine the numbers of persons which could be served by such a system; to study the feasibility of a telecommunications system in light of the cost, time, and numbers of potential users; and to determine what federal funds would be available to assist in the establishment and implementation of a telecommunications system.

Your Committees believe that a thorough study of this matter should be undertaken in order that the needs of the handicapped are better met.

Your Committees have amended the resolution by substituting the term "home-bound handicapped persons" with the term "speech impaired persons" throughout the resolution. The term "speech impaired persons" more appropriately describes another category of handicapped persons (in addition to deaf persons) who are in need of a telecommunications system. The title of the resolution has also been amended to reflect this language substitution.

Your Committees on Public Assistance and Human Services and Health concur with the intent and purpose of H.R. No. 35, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 35, H.D. 1.

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

SCRep. 1011-80 Judiciary on S.B. No. 2439-80

The purpose of this bill is to amend the Workers' Compensation Law by adding a new section which would extend the immunity from civil liability now provided employers and fellow employees of injured workers to labor organizations representing them.

Section 386-5, Hawaii Revised Statutes, presently provides that the rights and remedies granted by the Workers' Compensation Law exclude all other employer liability to an injured employee or his dependents on account of a work injury. The law's third-party liability section, Section 386-8, H.R.S., also effectively immunizes the injured employee's fellow employees from suits, except where the injury is caused by a fellow employee's wilful and wanton misconduct. This bill would provide the labor organization representing the injured employee with immunity from third-party suits based on its alleged failure to discuss, negotiate, or enforce health and safety provisions in collective bargaining agreements.

Employee safety and health have traditionally been matters of union concern. Recent developments in tort law have now made labor organizations reluctant to actively pursue these matters through collective bargaining because third-party actions alleging union neglect in negotiating or enforcing health and safety provisions in collective bargaining agreements have become increasingly common. Such suits are filed against unions because the law protects an injured worker's employer and fellow employees from negligence actions but does not immunize the labor organization to which the employees belong. It would be logical and fair to extend this same immunity to unions so they can again actively pursue employee health and safety protection through collective bargaining, as well as under the law. This would serve the best interests of all workers and would also be consistent with the policy of the Workers' Compensation Law.

The department of labor and industrial relations has expressed some reservations on the measure, primarily related to a possible additional administrative burden. The bill, however, should not impose any additional duties on the department as its provisions are self-executing in the same manner the present immunity provisions related to employers and fellow employees are. Other concerns have been voiced about the bill's scope and a possible effect of invalidating all employee actions against unions. As the heading and language of the proposed new section clearly restricts the immunity provided thereunder to possible neglect in the discussion, negotiation, or enforcement of matters related to employee safety and health, the passage of this measure will not result in the elimination of all suits against labor organizations. The bill's specific intent is to further employee safety and health by making it possible for unions to engage in collective bargaining in this area without exposing themselves to substantial civil liability which have to be shared by all members. Your Committee further believes all workers would benefit from vigorous union activity in seeking health and safety protection through collective bargaining.

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

2439-80 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Garcia.

SCRep. 1012-80 Legislative Management

Informing the House that House Resolution Nos. 532 to 542, Standing Committee Report Nos. 996-80 to 1011-80, and Conference Committee Report Nos. 26 to 79, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1013-80 Employment Opportunities and Labor Relations on H.R. No. 17

The purpose of this resolution is to request the House Committee on Employment Opportunities and Labor Relations to review the progress of the Hawaii State Occupational Information Coordinating Committee (HSOICC) in developing the Hawaii Career Information Delivery System during the 1980 Session and to submit a report of its findings and recommendations prior to the adjournment of the 1980 Regular Session.

The major role for HSOICC is to increase the awareness of occupational information availability; provide a forum for the interaction between employment, training and education planners and administrators, and others interested in occupation data needs and uses; to standardize terminology and definitions across the occupational data system of the various state and local organizations and agencies; to eliminate duplicative occupational data efforts and fill data gaps; and to develop and implement a coordinated Hawaii Occupational Information System which can be readily accessible to users, including consumers, trainers, counselors, and curriculum planners. A key element of the Hawaii Occupational Information System that HSOICC is developing is the Hawaii Career Information Delivery System (HCIDS) or Career Kokua program.

Your Committee has amended the first "BE IT RESOLVED" clause to read as follows:

"BE IT RESOLVED by the House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, that the House Committee on Employment Opportunities and Labor Relations is requested to review the progress of the Hawaii State Occupational Information Coordinating Committee in developing the Hawaii Career Information Delivery System during the Legislative Interim following the 1980 Regular Session and to submit a report of its findings and recommendations to the House of Representatives prior to the convening of the 1981 Regular Session; and"

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 17, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 17, H.D. 1.

Signed by all members of the Committee.

SCRep. 1014-80 Higher Education on H.R. No. 423

The purpose of this resolution is to request the University of Hawaii to review the status of the number and distribution of the State Financial Aids Units which are specified in the Hawaii Revised Statutes. The University is also requested to make recommendations to the Eleventh State Legislature for statutory changes that may be indicated.

The growth of the University of Hawaii among its nine campuses over the past several years apparently has placed considerable strain on the number and distribution of the various State scholarships. The University is currently studying the matter and welcomes the opportunity to report its findings and recommendations to the Legislature.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 423, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1015-80 Higher Education; and Water, Land Use, Development and
Hawaiian Affairs on H.R. No. 406

The purpose of this resolution is to request a study to determine the feasibility of establishing a small business development center in Hilo.

At present the Pacific Small Business Development Center, a consortium of nine U.S. Pacific business schools, is conducting a study referred to in H.R. No. 406. The consortium members are the University of Hawaii at Manoa, University of Hawaii at Hilo, Kauai Community College, Maui Community College, Chaminade University, Brigham Young University, Hawaii, American Samoa Community College, Hawaii Pacific College, and University of Guam. The consortium plans to establish small business development centers on various islands of the Pacific. The function of each center will be to provide those services required by the constituents of each center's community. Services will be in the areas of management, marketing, product development, manufacturing or production, technological development, finance, government regulation, and similar concerns.

Since there already exists the Pacific Small Business Development Center, your Committees have amended the resolution by adding an eighth "WHEREAS."

Your Committees on Higher Education and Water, Land Use, Development and Hawaiian Affairs are in accord with the intent and purpose of H.R. No. 406, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 406, H.D. 1.

Signed by all members of the Committees except Representative Uechi.

SCRep. 1016-80 Public Assistance and Human Services and Transportation on
H.R. No. 426

The purpose of this resolution is to empower the Legislative Reference Bureau to conduct a study to determine the need for transportation services for the handicapped in the State of Hawaii.

The Department of Transportation, the Commission on the Handicapped and Ruger Center all testified in support of this resolution. However, your Committees have amended this resolution to include the Department of Transportation Services of the City and County of Honolulu, the Department of Public Works for the County of Maui, the County of Kauai and the County of Hawaii to cooperate with the Legislative Reference Bureau to conduct a study to determine the need for transportation services for the handicapped in the State of Hawaii.

Your Committees on Public Assistance and Human Services and Transportation concur with the intent and purpose of H.R. No. 426, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 426, H.D. 1.

Signed by all members of the Committees.

SCRep. 1017-80 Public Assistance and Human Services and Transportation on
H.C.R. No. 121

The purpose of this concurrent resolution is to empower the Legislative Reference Bureau to conduct a study to determine the need for transportation services for the handicapped in the State of Hawaii.

The Department of Transportation, the Commission on the Handicapped and Ruger Center all testified in support of this concurrent resolution. However, your Committees have amended this concurrent resolution to include the Department of Transportation Services of the City and County of Honolulu, the Department of Public Works for the County of Maui, the County of Kauai and the County of Hawaii to cooperate with the Legislative Reference Bureau to conduct a study to determine the need for transportation services for the handicapped in the State of Hawaii.

Your Committees on Public Assistance and Human Services and Transportation concur with the intent and purpose of H.C.R. No. 121, as amended herein, and recommend that

it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 121, H.D. 1.

Signed by all members of the Committees.

SCRep. 1018-80 Health; and Public Assistance and Human Services on
H.R. No. 416

The purpose of this Resolution is to request a study on restructuring the present system of handicapped services to provide for more efficient coordination of existing programs.

Although the Department of Health and the Commission on the Handicapped opposed this Resolution, your Committees find that there is a need for coordination of services to the handicapped.

Your Committees have amended this Resolution to provide for the House Committee on Health to conduct an Interim study on how best to coordinate services by the handicapped and on the feasibility of establishing an Office of Handicapped. The Interim Committee will review the existing system and make recommendations prior to the convening of the 1981 Legislature.

Your Committee on Health and your Committee on Public Assistance and Human Services concur with the intent and purpose of H.R. No. 416, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 416, H.D. 1.

Signed by all members of the Committees.

SCRep. 1019-80 Health on H.R. No. 483

The purpose of this Resolution is to examine current procedures of financial coverage for persons suffering from catastrophic illnesses and to devise a plan to assist those persons in need of assistance, so that a long-term catastrophic illness does not result in severe personal financial loss.

The Department of Health testified in support of this Resolution stating that such a study "would be useful in clarifying the diseases and conditions to be covered, the estimates of the costs involved in care and treatment, and the most appropriate way to ease the financial burden placed upon the individuals and families."

This Resolution requests the cooperation of various private organizations to conduct this study, and the Hawaii Medical Services Association testified that they have a wealth of expertise and data to offer the Legislative Reference Bureau to assist in this study.

Your Committee on Health concurs with the intent and purpose of H.R. No. 483 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1020-80 Health on H.R. No. 328

The purpose of this resolution is to request the Department of Health to investigate the potential use of computerized medical information systems for possible productive and cost effective uses within State hospital facilities.

Your Committee finds that the Department of Health has already taken steps to investigate limited use of computerized systems within certain programs, and key personnel have made on site visits to observe the PROMIS system. The Department of Health testified in support of this resolution, stating that the department "will continue its investigation for potential uses of computerized systems within State Hospitals."

Your Committee has made technical non-substantive changes to the resolution for the purpose of clarification.

Your Committee on Health concurs with the intent and purpose of H.R. No. 328, as amended herein, and recommends that it be referred to the Committee on Finance, in

the form attached hereto as H.R. No. 328, H.D. 1.

Signed by all members of the Committee.

SCRep. 1021-80 Health on H.R. No. 480

The purpose of this Resolution is to request a study on the mechanics of the budgeting process and its application in determining funding allocations for health-related contractual services.

Your Committee finds that there is a need to clarify the process by which funds are allocated for health-related services. There appears to be misconceptions regarding the role of the Department of Budget and Finance and the role of the Legislature in determining programs that are for public purpose. There is also some difference in opinion and some inconsistency regarding the concepts of purchase of service and grant-in-aids.

Many private programs are being conducted in the absence of state services and yet must depend on uncertain funding each year from the Legislature. Criteria for awarding funds to private organizations is unclear. Your Committee feels that there is a need to set standards for meeting the health needs of the people of this State and there is a need, in view of limited funding, to prioritize programs and services.

The Department of Budget and Finance, in oral testimony, stated that they are willing to work with the Legislative Auditor to clarify this budgeting process and examine the criteria and policies presently being used by the Executive Branch in the budgeting process, in an attempt to determine if the existing system is effective. Your Committee feels that this study will benefit other non-health related areas to clarify this process.

Your Committee on Health concurs with the intent and purpose of H.R. No. 480 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1022-80 Health on H.C.R. No. 133

The purpose of this Concurrent Resolution is to request a study on the mechanics of the budgeting process and its application in determining funding allocations for health-related contractual services.

Your Committee finds that there is a need to clarify the process by which funds are allocated for health-related services. There appears to be misconceptions regarding the role of the Department of Budget and Finance and the role of the Legislature in determining programs that are for public purpose. There is also some difference in opinion and some inconsistency regarding the concepts of purchase of service and grant-in-aids.

Many private programs are being conducted in the absence of state services and yet must depend on uncertain funding each year from the Legislature. Criteria for awarding funds to private organizations is unclear. Your Committee feels that there is a need to set standards for meeting the health needs of the people of this State and there is a need, in view of limited funding, to prioritize programs and services.

The Department of Budget and Finance, in oral testimony, stated that they are willing to work with the Legislative Auditor to clarify this budgeting process and examine the criteria and policies presently being used by the Executive Branch in the budgeting process, in an attempt to determine if the existing system is effective. Your Committee feels that this study will benefit other non-health related areas to clarify this process.

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. 1023-80 Health on H.R. No. 307

The purpose of this Resolution is to develop a uniform accounting and reporting system, applicable to all hospitals and health care facilities, which will include the following:

1. Uniform standard of measurement reflecting statistics, costs, revenues and cost analysis.
2. Uniform reporting system to include aggregate costs and volume of services, rates by categories of services, which may include allowances for capital depreciation and debt service costs.

Your Committee finds that a uniform reporting system is necessary for evaluating data from hospitals and health care facilities, and a uniform accounting system is basic to the effectiveness of a reporting system.

The State Health Planning and Development Agency has done some preliminary work in developing a uniform reporting system. The Agency testified in support of the Resolution and indicated desire for the Legislative Auditor's study to be compatible with the uniform reporting system presently being implemented by SHPDA.

Your Committee on Health concurs with the intent and purpose of H.R. No. 307 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1024-80 Health on H.C.R. No. 100

The purpose of this Concurrent Resolution is to develop a uniform accounting and reporting system, applicable to all hospitals and health care facilities, which will include the following:

1. Uniform standard of measurement reflecting statistics, costs, revenues and cost analysis.
2. Uniform reporting system to include aggregate costs and volume of services, rates by categories of services, which may include allowances for capital depreciation and debt service costs.

Your Committee finds that a uniform reporting system is necessary for evaluating data from hospitals and health care facilities, and a uniform accounting system is basic to the effectiveness of a reporting system.

The State Health Planning and Development Agency has done some preliminary work in developing a uniform reporting system. The Agency testified in support of the Concurrent Resolution and indicated desire for the Legislative Auditor's study to be compatible with the uniform reporting system presently being implemented by SHPDA.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 100 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1025-80 Judiciary on S.B. No. 1836-80

The purpose of this bill is to replace the term mentally "incompetent" with the term mentally "ill" with respect to persons as to whom consent to an adoption is not required, and to add the requirement that the court make a finding that such persons are incapacitated from giving consent to the adoption.

Under present law, parental consent to an adoption is not required if such parent is judicially declared to be mentally incompetent or mentally retarded and the court dispenses with such parent's consent.

Your Committee received testimony that the term mentally "incompetent" should be amended to mentally "ill" to conform to the language in Chapter 571, Hawaii Revised Statutes, relating to the termination of parental rights since the same class of persons is being described.

Furthermore, the phrase "if the court dispenses with such parent's consent" as stated in section 578-2(c)(1)(G) creates some confusion as to its use because paragraph (2) of said section also provides for cases where the parent's consent may be "dispensed with" by the court. However, the latter case refers to fathers or stepfathers and their

relationship to the child and not to mental illness or retardation.

Your Committee feels that the use of similar language in two paragraphs of the same section creates confusion.

Therefore, your Committee feels that the term mentally "incompetent" should be replaced with the term mentally "ill" and that the requirement that the court make a finding that said persons be incapacitated from giving consent to adoption be added to section 578-2(c)(1)(G), thereby clarifying any unnecessary confusion and conforming such language to Chapter 571, Hawaii Revised Statutes.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1836-80 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1026-80 Judiciary on S.B. No. 2157-80

The purpose of this bill is to amend Chapter 329 of the Hawaii Revised Statutes to expand upon the grounds for suspension or revocation of a registration granted to manufacture, distribute, prescribe, and dispense controlled substances.

Under existing law, an individual must obtain his State license to practice his profession, and must also obtain a registration which permits him to manufacture, distribute, prescribe, and dispense the controlled substances. In an attempt to close the gap presented by those who have had their State licenses suspended or revoked by the applicable governing State board and who can continue to manufacture, distribute, prescribe, or dispense controlled substances because the law has not specifically prohibited such a situation, this bill closes the gap by adding the requisite additional grounds.

Your Committee feels that a showing of any one of the existing grounds or of the new ground for suspension or revocation of a registration should result in the automatic suspension or revocation of registration. If any of the bases for suspension or revocation enumerated exist, they are of sufficient gravity to warrant a suspension or revocation.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2157-80, 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. 1027-80 Public Employment and Government Operations on S.B. No. 2286-80

The purpose of S.B. No. 2286-80 is to amend Section 193-21, Hawaii Revised Statutes, in order to comply with Article I, Section 3, Equality of Rights, of the Hawaii State Constitution.

Your Committee agrees that the language limiting employment to "young men" is discriminatory although in application, no discrimination has been practiced in employing youth for conservation corps programs.

Senate Bill No. 2286-80 has deleted reference to any specific gender in the bill in order to make the statutes clearly applicable to persons of both sexes.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 2286-80 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1028-80 Corrections and Rehabilitation on S.B. No. 2000-80

The purpose of this bill is to amend section 353-22.5, Hawaii Revised Statutes, to clarify furlough eligibility by limiting this privilege only to those inmates who are considered to be minimum and lower security risks. The bill would also authorize

the Department of Social Services and Housing (DSSH) to grant furloughs for valid purposes other than specifically mentioned in the current law. Special out-of-state furloughs may be granted to those inmates otherwise already furloughed, at no cost to the State, when death, critical illness or injury to the committed person's immediate family occurs. Furthermore, this bill would permit the Director of DSSH, or his authorized agent, to issue a warrant of arrest for a furlougee who is alleged to have violated the terms and conditions of his parole.

Although Section 353-22.5 does not specifically authorize furloughs for funeral purposes, the administration has interpreted it to be within the umbrella of "social reorientation". This bill would add specificity to the existing section. In addition, the present statute does not either authorize or prohibit out-of-state furloughs for funerals or visits to critically ill or injured members of the committed person's immediate family. DSSH testimony indicated that, since the enactment of Act 75 in 1967 which authorized the granting of community furloughs to committed persons residing in adult correctional facilities and conditional release centers, the administration has had no unfavorable experience in authorizing unescorted funeral furloughs to selected inmates with at least a minimum security classification. This bill would authorize the Director of the DSSH, or his authorized agent, to grant furloughs to persons already otherwise furloughed, at no cost to the State, when death, critical illness or injury to the committed person's immediate family occurs.

Your Committee finds that there is no statutory basis under existing law for the apprehension of a furloughed person by police, who are reluctant to act without a duly authorized warrant of arrest. Personnel of the Corrections Division are not as well trained or equipped to fulfill this function. Due to exigent circumstances in some cases, it may be crucial that the furloughed person be immediately apprehended with minimal risk to the community and the correctional program. Therefore, your Committee believes that it is imperative that there be established a clear statutory authority which would allow the Director of the DSSH, or his authorized agent, to issue warrants of arrest for a furlougee who is alleged to have violated the terms and conditions of his furlough and for the apprehension of the furlougee by police.

Your Committee on Corrections and Rehabilitation is in accord with the intent and purpose of S.B. No. 2000-80, 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 Representative Garcia.

SCRep. 1029-80 Transportation on S.B. No. 866

The purpose of this bill is to alleviate safety hazards from air safety congestion by charging the Department of Transportation (DOT) in cooperation with federal authorities and other concerned parties to conduct research into the causes of and solutions to such safety problems; directing the DOT to follow up on the results of this research, and authorizing the DOT to adopt rules and regulations to put this legislation into effect.

In its earlier review of this bill, the Senate Committee on Transportation found that air traffic congestion constitutes a serious safety hazard, one that is most acute at the Honolulu International Airport and one that may be relieved by the development of additional airports.

The economic expense and difficulties attendant upon finding suitable locations for other airports would appear to encourage the exploration of alternative measures to improve the present dangerous situation. These measures might include regulating flights at congested airports with landing surcharges or differential landing fees, assigning particular runways to certain uses, and establishing limits on the number and type of aircraft allowed to use public airports.

The Senate Committee on Transportation has incorporated the foregoing ideas on the solution of air traffic congestion problems into a new section to be added to Chapter 261 of the Hawaii Revised Statutes.

The Department of Transportation testified that, whereas it continues to recommend the construction of a reliever airport at Poamoho, if no new general aviation airport is built the only alternative would be to establish limits on the use of Honolulu International as proposed by this bill.

Your Committee on Transportation is in accord with the intent and purpose of S.B.

No. 866, 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. 1030-80 Transportation on S.B. No. 2634-80

The purpose of this bill is to reduce the consumption of gasoline by instituting incentives to the public to utilize energy saving methods of transportation. The bill further mandates the Department of Transportation to develop and promote "ride sharing programs" and grants the department the authority to contract with private organizations to manage and operate any such programs.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 2634-80, S.D. 1 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1031-80 Finance on S.B. No. 2002-80

The purpose of this bill is to permit the director of transportation to effectively operate a lost and found program for articles found on the premises of airports operated by the department.

Current law prevents the department of transportation from effectively operating a lost and found operation as all recovered items are legally required to be turned over to the county police. Your Committee agrees that the present practice conflicts with the more logical procedure of operating an airport lost and found office in the airport terminal to which the general public would have direct and almost immediate access.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2002-80, S.D. 1 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1032-80 Public Assistance and Human Services on H.C.R. No. 74

The purpose of this concurrent resolution is to request the President of the United States and the United States Congress to increase the Title XX funding level, at a minimum to allow existing vocational/social rehabilitation programs to keep pace with the annual inflation impact, so that program cutback would not become necessary and where possible to allow for modest program expansion.

Your Committee is concerned about the services being made available to this group and recognizes the necessity for them. Federal aid on this problem is necessary at this time.

Your Committee on Public Assistance and Human Services concurs with the intent and purpose of H.C.R. No. 74 and recommends its adoption.

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

SCRep. 1033-80 Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 164

The purpose of this resolution is to request the County of Hawaii to develop a master flood control and drainage plan for the Island of Hawaii.

Your Committee heard testimony from the County Council of the County of Hawaii in support of this measure indicating that the County has already taken the initiative to create a Flood Control Management Council to (1) look into maximum prevention measures against future flooding and (2) expedite the coordination among County, State and Federal agencies in providing the necessary improvements. The Council is to address flood and drainage problems on an island-wide basis, as requested by this resolution, in order to formulate a master plan for flood and drainage control which will minimize

future flood damages.

Your Committee has amended this resolution by requesting that the entire County of Hawaii, rather than only the third representative district, be the subject of the plan and by clarifying that the report submitted to the Legislature by the Mayor of the County of Hawaii may be a progress report rather than a report of the completed plan.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 164, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 164, H.D. 1.

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

SCRep. 1034-80 Energy on S.B. No. 1906-80 (Majority)

The purpose of this bill is to provide a tax incentive to encourage the use of gasohol by exempting all the gross proceeds arising from the sale of gasohol by retail dealers from the state excise tax for a period of five years.

Your Committee on Energy is in accord with the intent and purpose of S.B. No. 1906-80, 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 except Representatives Fukunaga, Garcia and Larsen.
(Representative Anderson did not concur.)

SCRep. 1035-80 Finance on S.B. No. 2536-80 (Majority)

The purpose of this bill is to permit the State to assist qualified resident aliens and naturalized citizens who desire to return to their homelands for the purpose of establishing permanent residency.

While your Committee agrees with the intent of this bill, your Committee is concerned over possible abuses which could occur under this program, such as:

- a) The use of public funds for purposes other than providing transportation assistance to qualified persons, e.g., to pay administrative costs of private organizations contracted with, and to pay for travel escort costs and expenses; and
- b) Procuring and accepting any benefits which would inure from business dealings, especially exclusive business dealings, with a travel vendor in providing transportation assistance to qualified persons under this program when doing business with other travel vendors may result in more economical transportation assistance.

In view of the aforementioned concerns, your Committee instructs the director of the Department of Social Services and Housing to exercise extreme caution when entering into contracts with private non-profit organizations for the purpose of providing travel assistance so that only clearly qualified organizations evidencing the highest fiscal and managerial competencies and standards are selected. Such selectivity will help ensure that malfeasance or misfeasance in the administration and use of public funds allocated to private non-profit organizations under this bill will not occur. Your Committee relatedly instructs the Department of Social Services and Housing to ensure that necessary standards and guidelines are included or incorporated into contracts entered into with private non-profit organizations and that such guidelines are closely monitored and strictly enforced.

Your Committee is further concerned over possible abuse by qualified recipients under this program who have no intention or genuine desire to return to their homeland in order to establish and maintain a permanent residence there, but who are simply interested in a "free trip". While this bill provides appropriate penalties for such an abuse, your Committee believes that such abuse can be prevented by a thorough screening of applications for assistance under this program. By so doing the State can be better assured that such abuses will be kept to a minimum, and that the intent of this bill will be fully complied with.

Despite the above concerns, your Committee agrees with the purpose of this bill. Assistance to aged indigent resident aliens and naturalized citizens, who years ago migrated from Hawaii from various parts of the world as immigrant laborers, and who now desire to return to their homelands to be reunited with families, relatives and friends, would be a tribute to the many different immigrant groups who have come to Hawaii over the past few decades and enriched all of our lives by their presence.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2536-80, 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.
(Representatives Fukunaga, Hashimoto, Ige, Kobayashi and Sakamoto did not concur.)

SCRep. 1036-80 Finance on S.B. No. 2457-80

The purpose of this bill is to eliminate much of the cost and time involved in processing and collecting dog license fees and nominal delinquent penalty fees.

Under current law, a dog owner pays \$2 a year for a dog license plus a 20 cents delinquency penalty if the fee is not paid before March 11 of each year. Any delinquent license fee which is mailed to the department without the penalty fee is automatically rejected and returned, causing additional costs and efforts by the department.

This proposal amends HRS section 143-2 by replacing the annual license fee requirement with a biennial fee and eliminating the 20 cents penalty fee. The license fee is to become \$4 for a biennium with no penalty for delinquent fees.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2457-80, 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. 1037-80 Finance on S.B. No. 2883-80 (Majority)

The purpose of this bill is to increase the per diem paid out-of-state witnesses summoned to testify in a criminal proceeding.

Present law provides that witnesses who reside without the State, summoned to testify in criminal proceedings, be paid \$30 for each day they are required to travel and attend as witnesses. This bill would increase the per diem to \$60.

Your Committee agrees that the present per diem is inadequate given the fact that the costs of food and accommodations have risen considerably since the \$30 amount was established in 1971.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2883-80, S.D. 1, and recommends that it pass Third Reading.

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

SCRep. 1038-80 Finance on S.B. No. 1988-80

The purpose of this bill is to permit a public officer of employee to choose whether his sick leave credits are to be used to make up the difference between his regular salary and the workers' compensation wage loss replacement benefits he is receiving.

The language of the current law mandates that an employee receiving workers' compensation wage loss replacement benefits receive a total payment equal to his regular salary by applying his sick leave credits. (Note: Workers' compensation wage loss replacement benefits is equal to $66\frac{2}{3}$ of the worker's regular salary.) This interpretation of the law is provided through Attorney General Opinion No. 79-6.

Your Committee agrees that an employee should be given the right to choose whether

his sick leave credits are to be used to make up the difference between his regular salary and the workers' compensation wage loss replacement benefits he is receiving. In this way, the employee would be afforded three choices: (1) to supplement his workers' compensation wage loss replacement benefits to a sum equal to his regular salary, (2) to accumulate his sick leave credits for additional service credits in the retirement system, or (3) to apply his sick leave credits for absences due to non-job related injuries or illnesses.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1988-80 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1039-80 Finance on S.B. No. 1899-80

The purpose of this bill is to reduce the general excise tax assessment on electricity generated from non-fossil, renewable energy sources and sold to public utilities for resale to the public

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1899-80, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1040-80 Finance on S.B. No. 1370

The purpose of this bill is to amend HRS subsection 77-13(f) to provide for the assignment by the Judiciary of one position at salary ranges SC-1, SC-2, or SC-3, upon the recommendation by the Administrative Director of the Courts and approval by the Chief Justice.

Present law provides that there be not more than sixteen positions classified and paid in salary ranges SC-1, SC-2, and SC-3 by the State and not more than eight be classified and paid in those salary ranges by any county. No provision is made on the number to be assigned by the Judiciary. Also, present law provides that these positions are to be classified and paid only upon the recommendation of the Director of Personnel Services and approval by the Governor or recommendation of the personnel director of a county and approval by the respective council and mayor.

Your Committee agrees that these proposed amendments are in accordance with HRS section 76-9 and 76-10, which define the authority and duties of the Chief Justice as the chief executive of the Judiciary Branch, administering a separate personnel system co-equal with the Executive Branch of the State and with the several counties. This bill will insure co-equal recommendations and approval of appointments by the Judiciary.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1370, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1041-80 Judiciary on S.B. No. 1973-80

The purpose of this bill is to propose an amendment to Article III, Section 10, of the Constitution of the State of Hawaii, to permit the Senate to convene itself in special session at the written request of two-thirds of its members for the purpose of considering any gubernatorial nomination to fill a judicial vacancy.

The 1978 Constitutional Convention proposed a new judicial selection process. This proposal, which was ratified by the electorate on November 7, 1978, and which is now embodied in Article VI, Section 3, of the Constitution, provides that the Governor shall send his judicial appointments to the Senate for its confirmation or rejection within thirty days. If the Senate does not act, by confirming or rejecting a nomination within the thirty-day period, the appointment is automatically confirmed. There is no specific constitutional provision allowing the Senate to convene itself for this special purpose of acting upon a gubernatorial nomination to fill a judicial vacancy when it is not in session. Under current law, the Senate can only be convened for special session by the Governor.

Your Committee feels that without such specific provisions, there may be instances

where the failure on the part of the Senate to act due to the inability in the part of the Senate to convene itself into special session may result in automatic confirmation where there was no intention on the part of the Senate to confirm a gubernatorial nomination for judicial appointment.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1973-80 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1042-80 Legislative Management

Informing the House that House Resolution Nos. 543 to 554, House Concurrent Resolution Nos. 147 to 149, Standing Committee Report Nos. 1013-80 to 1041-80, and Conference Committee Report Nos. 80 to 87, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1043-80 Public Assistance and Human Services; Higher Education; and
Education on H.R. No. 235

The purpose of this resolution is to request the University of Hawaii, the department of education, the department of social services and housing, the state commission on the handicapped, and appropriate private organizations to conduct a study to determine the extent of the need to train sign language interpreters and sign language users and to recommend which agency or department is the most appropriate place to offer such training programs. A report on the findings is requested twenty days prior to the convening of the 1981 legislative session.

Your Committees believe that sign language interpreter services should be made available, where needed, to the hearing impaired and that a study of the problem is necessary to determine the extent and areas of need.

Your Committees have amended the resolution in the following respects:

(1) The phrase "with the cooperation and assistance of" [certain designated agencies] has been added after the words "University of Hawaii" in both the BE IT RESOLVED clause on page 1 of the resolution and the first BE IT RESOLVED clause on page 2. The purpose of the amendment is to designate one agency, the University of Hawaii, as the lead agency responsible for conducting and coordinating the conduct of the study and in reporting the findings and recommendations.

(2) To reflect the amendment explained in (1) above--designating the University of Hawaii as the lead agency for the study--the title of the resolution has also been appropriately amended.

(3) The words "and any private organizations involved" have been added to the first BE IT FURTHER RESOLVED clause on page 2 so that in reporting its findings and recommendations, the University of Hawaii will have not only the cooperation and assistance of the public agencies enumerated in that clause but also that of any private organizations which may have been involved in the study.

(4) Other minor amendments of a non-substantive nature have also been made.

Your Committees on Public Assistance and Human Services, Higher Education, and Education concur with the intent and purpose of H.R. No. 235, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 235, H.D. 1.

Signed by all members of the Committees except Representatives
Andrews, Hagino, Takamine and Toguchi.

SCRep. 1044-80 Public Assistance and Human Services and Health on H.R.
No. 148

The purpose of this resolution is to request the federal government to assume a greater share of the cost of long-term care provided by skilled nursing care facilities and intermediate care facilities and to consider increasing benefits under Medicare, Medicaid,

and other non-medical federal public assistance programs.

Your Committees feel that because expenditures for long-term care in skilled nursing and intermediate care facilities assume a significant portion of the national personal health care expenditures, and because of the general increase in the age of the population of Hawaii and Hawaii's general fund spending ceiling, relief must be provided for this category of health care by the federal government.

Your Committees on Public Assistance and Human Services and Health concur with the intent and purpose of H.R. No. 148 and recommend its adoption.

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

SCRep. 1045-80 Public Assistance and Human Services on H.R. No. 194

The purpose of this resolution is to request the director of social services to form a formal working group representing all state agencies, the deaf community, and the private service agencies which provide services for the deaf and hearing-impaired, to provide for better communication, coordination, and access to services. The director is further requested to form a committee, with membership limited to representatives of state agencies, to address those issues identified in the report which affect state agencies only.

Your Committee recognizes that gaps in services to the hearing-impaired have already been identified and now need to be addressed through a broad effort to coordinate access to such services. The formation of a formal working group to improve and coordinate such access is a step in the right direction.

Your Committee has amended the resolution in the following respects:

(1) In the first BE IT RESOLVED clause on page 1 of the resolution, the word "all" before the words "state agencies" has been deleted and replaced with the word "appropriate" because not all state agencies necessarily provide services for the deaf and hearing-impaired. Accordingly, your Committee believes that the designation or selection of the appropriate state agencies, which should be represented on the formal working group (to be formed pursuant to this resolution), is best left to the discretion of the Department of Social Services and Housing to whom this resolution is addressed.

(2) In the second BE IT RESOLVED clause on page 1, the Director of Social Services and Housing "is requested to form a similar committee, whose membership shall be limited to representatives of state agencies, to address those issues identified in the report which affect state agencies only."

The quoted language has been amended to read as follows: "is requested to form a subcommittee of the formal working group, the membership of which shall be limited to representatives of the appropriate state agencies, to address those issues identified in the report which affect state agencies only." (New language underscored).

The primary purpose of this amendment is to direct the Director of Social Services and Housing to form a subcommittee of the formal working group referred to in the first BE IT RESOLVED clause, rather than to form another "similar committee" or working group, so as to prevent unnecessary duplication of effort. The other amendments to the second BE IT RESOLVED clause are merely for purposes of improving clarity and style.

Your Committee on Public Assistance and Human Services concurs with the intent and purpose of H.R. No. 194, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 194, H.D. 1.

Signed by all members of the Committee except Representatives Segawa, Ushijima and Sutton.

SCRep. 1046-80 Public Assistance and Human Services on H.R. No. 117

The purpose of this resolution is to request Hawaii's Congressional delegation to explore alternatives for solving the problem faced by the participants of the Pearl Harbor alcohol abuse treatment program and attempt to find a means of assistance to them.

Your Committee finds that many of the participants in the Pearl Harbor alcohol abuse program find themselves without financial resources to obtain rehabilitation following detoxification. Because they are employed, the participants do not qualify for public financial assistance which might enable them to obtain rehabilitation treatments subsequent to detoxification. In view of the problems, the Congressional delegation is asked to seek a viable solution.

Your Committee on Public Assistance and Human Services concurs with the intent and purpose of H.R. No. 117 and recommends its adoption.

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

SCRep. 1047-80 Judiciary on S.C.R. No. 4

The purpose of this resolution is to ratify a proposed amendment to the Constitution of the United States to provide for representation of the District of Columbia in Congress.

Your Committee finds that the citizens of the District of Columbia face the obligations of citizenship, the greatest of which is the obligation to pay federal taxes, yet are unable to vote. Therefore, these citizens who contribute to the nation's tax base are disenfranchised; they are unable to participate through congressional representatives in the enactment of federal laws, the ratification of treaties, the confirmation of federal appointees, and the ratification of constitutional amendments. This disenfranchisement exists despite the fact that the District of Columbia has a population greater than ten of the states in the union.

Your Committee finds that House Joint Resolution 554, which was approved by the Ninety-Fifth Congress, Second Session, and which proposes an amendment to the Constitution to provide for representation of the District of Columbia in Congress, requires ratification by three-fourths of the states of the United States. Your Committee recommends that the Legislature of this State support the amendment through ratification thereof.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 4 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1048-80 Finance on H.R. No. 285

The purpose of this resolution is to request the Department of Land and Natural Resources to develop a strategy in close cooperation and coordination with the various community and interest groups in the North Kohala District for the management and protection of the cultural, natural, and recreational resources of North Kohala and to submit a report of its study to the Legislature prior to the convening of the 1981 Regular Session.

Your Committee agrees that this measure is a constructive step towards the ultimate development of a holistic preservation and management strategy for North Kohala's continuing transition.

The Department of Land and Natural Resources informed your Committee that the Department has already taken steps to develop such a strategy.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 285 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1049-80 Finance on H.R. No. 373

The purpose of this resolution is to request the Department of Land and Natural Resources to begin negotiations with the Bishop Estate for the use of Heeia-Kea fishpond for the culture of limu. The resolution also requests the Department to submit a report of its findings to the Legislature twenty days prior to the convening of the Regular Session of 1981.

The Heeia-Kea fishpond owned by the Bishop Estate is currently on both the Hawaii and

National Register of Historic Places.

Your Committee agrees that the use of certain ancient Hawaiian fishponds may benefit the State's aquaculture and historical preservation programs, provided that necessary modifications to such fishponds do not detract from their historical and cultural characteristics. Although the cultivation of limu may not be regarded as preserving the original historical and cultural usage of the Heeia-Kea fishpond, limu farming is a compatible adaptive use.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 373, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1050-80 Finance on H.R. No. 195

The purpose of this resolution is to allow emergency vehicles to control traffic signals at intersections.

Your Committee agrees that there are problems experienced by the hearing impaired and deaf community such as the inability to respond to the sirens which signal the approach of emergency vehicles. These problems can be solved by the inauguration of a system by which emergency vehicles can control traffic signals at intersections. This resolution requests that the feasibility of such a system be investigated and reported to the legislature.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 195 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1051-80 Finance on H.R. No. 143

The purpose of this resolution is to request the Department of Land and Natural Resources to study the feasibility, including legal considerations as applicable, of converting wetlands of the Pearl Harbor Area into an agricultural park, and to make a report of findings and recommendations prior to the convening of the Regular Session of 1981.

Agriculture continues to be one of the State's three major industries and its support out of practical necessity, if not by reason of constitutional mandate, is a matter of compelling State interest.

Your Committee has amended this resolution to state its concern for the impact on ground water sources that these agricultural parks for paddy crops may have. Although it is your Committee's understanding that such crops utilize spring waters and do not make demands on basal waters, it is deemed appropriate that the Department of Land and Natural Resources take into consideration any impact these agricultural parks may have on basal waters in the course of conducting this feasibility study.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 143, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 143, H.D. 1.

Signed by all members of the Committee.

SCRep. 1052-80 Finance on H.R. No. 113

The purpose of this Resolution is to request the Department of Social Services and Housing, with the cooperation of the Department of Land and Natural Resources and the Department of Planning and Economic Development, to conduct a study on the feasibility of developing a eucalyptus tree farm program as a prison industry in the State's correctional system.

Eucalyptus can be chipped, dried and burned in boilers to produce electricity or can be used to produce methanol used in the production of gasohol. When used in the production of electricity, eucalyptus is high in energy conversion. One ton of bone-dry eucalyptus chips is reported to have the energy equivalence to two barrels of oil.

All public lands should be utilized to maximally benefit the people of Hawaii. The concept of a eucalyptus tree farm on idle State lands using prison inmate labor has merit and deserves further study. Such a program would provide a productive and rehabilitative work program for inmates enabling them to receive on-the-job-training in tree farming, logging, sawmill operations, and equipment use and maintenance while, at the same time, helping the State to vastly increase its inventory of biomass capability, thus reducing the State's dependence on imported energy.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 113 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1053-80 Finance on H.R. No. 41

The purpose of this resolution is to request a study of the feasibility and cost of (1) establishing a Media Study Center in conjunction with but not necessarily co-located at KHET; (2) acquiring the Kunia facility formerly used by the Navy, or a similarly large quality facility which could be used for such productions and training; (3) establishing positions for cinematographer and videographer artist-in-resident; and (4) financing these programs through a combination of special purpose bonds, private endowments, institutional and foundation support, and grants-in-aid.

The Hawaii Public Television along with the Department of Planning and Economic Development and the University of Hawaii is to conduct the study.

The Department of Planning and Economic Development is concerned with the economic development of the State. The promotion of the media industry, now a multi-million dollar industry, could greatly increase the annual revenues of the State.

The University of Hawaii is also requested to participate in the study because it is able to provide the expertise in analyzing the type of educational needs and in offering through its system the courses required to fulfill this need.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 41, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1054-80 Education; Agriculture; and Water, Land Use, Development and Hawaiian Affairs on H.R. No. 494

The purpose of this resolution is to request the Department of Education (D.O.E.) to review the feasibility of offering agriculture and aquaculture courses on a year-round basis.

Your Committees find that agriculture and aquaculture are important components of Hawaii's economy, and believe that the D.O.E. can play a primary role in broadening and stimulating student knowledge and interest in these fields by providing courses on these subject areas throughout the year.

Presently, the D.O.E. is offering agriculture and aquaculture programs to economically disadvantaged students during the summer months. Your Committees feel that all interested students should be given the opportunity to enroll in agriculture and aquaculture courses throughout the school year, including the summer months.

The Department of Education testified in support of the intent of the resolution. However, they indicated that a feasibility study would not be necessary because agriculture and aquaculture summer programs have already been implemented at four schools.

Your Committees agree that a feasibility study would be redundant and unnecessary. Your Committees believe that, rather than requesting the D.O.E. to conduct a feasibility study, it would be more appropriate to request the D.O.E. to expand its agriculture and aquaculture programs by offering agriculture and aquaculture courses on a statewide, year-round basis. The resolution has been amended accordingly.

In order to conform to this amendment, your Committees have found it necessary to amend the title of this resolution to read: "HOUSE RESOLUTION REQUESTING THE

DEPARTMENT OF EDUCATION TO OFFER AGRICULTURE AND AQUACULTURE COURSES ON A YEAR-ROUND BASIS, AND TO REVIEW ITS AGRICULTURE AND AQUACULTURE PROGRAMS."

Your Committees have also made nonsubstantive, technical amendments to the resolution.

Your Committees on Education, on Agriculture, and on Water, Land Use Development, and Hawaiian Affairs concur with the intent and purpose of H.R. No. 494, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 494, H.D. 1.

Signed by all members of the Committees.

SCRep. 1055-80 Education; Agriculture; and Water, Land Use, Development
and Hawaiian Affairs on H.C.R. No. 138

The purpose of this concurrent resolution is to request the Department of Education (D.O.E.) to review the feasibility of offering agriculture and aquaculture courses on a year-round basis.

Your Committees find that agriculture and aquaculture are important components of Hawaii's economy, and believe that the D.O.E. can play a primary role in broadening and stimulating student knowledge and interest in these fields by providing courses on these subject areas throughout the year.

Presently, the D.O.E. is offering agriculture and aquaculture programs to economically disadvantaged students during the summer months. Your Committees feel that all interested students should be given the opportunity to enroll in agriculture and aquaculture courses throughout the school year, including the summer months.

The Department of Education testified in support of the intent of the concurrent resolution. However, they indicated that a feasibility study would not be necessary because agriculture and aquaculture summer programs have already been implemented at four schools.

Your Committees agree that a feasibility study would be redundant and unnecessary. Your Committees believe that, rather than requesting the D.O.E. to conduct a feasibility study, it would be more appropriate to request the D.O.E. to expand its agriculture and aquaculture programs by offering agriculture and aquaculture courses on a statewide, year-round basis. The concurrent resolution has been amended accordingly.

In order to conform to this amendment, your Committees have found it necessary to amend the title of this concurrent resolution to read: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO OFFER AGRICULTURE AND AQUACULTURE COURSES ON A YEAR-ROUND BASIS, AND TO REVIEW ITS AGRICULTURE AND AQUACULTURE PROGRAMS."

Your Committees have also made nonsubstantive, technical amendments to the concurrent resolution.

Your Committees on Education, on Agriculture, and on Water, Land Use Development, and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 138, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 138, H.D. 1.

Signed by all members of the Committees.

SCRep. 1056-80 Education on H.R. No. 354

The purpose of this resolution is to declare the week of May 11 through 17, 1980 as Hawaii Gifted and Talented Children's Week.

Your Committee believes that the residents of Hawaii should be informed of the potentials of gifted and talented children, and the educational programs designed for these children. Your Committee finds that one way of informing the public about these gifted and talented children is to declare a week in recognition of such children.

The Department of Education testified in support of the resolution.

Your Committee on Education concurs with the intent and purpose of H.R. No. 354 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1057-80 Education on H.R. No. 436

The purpose of this resolution is to request the House Committee on Education to review the Department of Education's policy on discipline and disciplinary action in Hawaii's schools.

According to a State Crime Commission study of school violence and vandalism, many students and teachers feel that discipline is lacking in Hawaii's public schools. Therefore, your Committee believes it is necessary that a thorough study be conducted to review the Department of Education's current methods of student discipline, and alternative methods which would effectively solve or curb disciplinary problems. Your Committee believes that after a careful study of various disciplinary alternatives is conducted, effective methods can be implemented to maintain safer and more orderly school environments.

The Department of Education testified in support of the resolution.

Your Committee on Education concurs with the intent and purpose of H.R. No. 436 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1058-80 Education on H.R. No. 476 (Majority)

The purpose of this resolution is to request the Board of Education not to consider or approve the proposed establishment of a textbook deposit system which would require all public school students to pay a \$10 to \$20 deposit for their textbooks.

Your Committee finds that the shortage of textbooks in public schools is adversely affecting the educational services provided to students, and believes that appropriate action should be taken to remedy this problem.

While your Committee recognizes the intent of the resolution, as received, your Committee believes it is more appropriate that the Department of Education do a comprehensive review of different methods to remedy its book shortage problem, and to recommend a system or methodology which would effectively remedy this problem on a long term basis. The resolution has been amended accordingly. The references made to the textbook deposit system and the assessment of fees have been deleted.

In order to conform to these amendments, your Committee has found it necessary to amend the title of the resolution to read: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY DIFFERENT METHODS TO REMEDY ITS BOOK SHORTAGE PROBLEM."

Your Committee has further amended the resolution by having the Department of Education report its findings and recommendations to the Legislature at least twenty days before the convening of the 1981 legislative session, and by transmitting certified copies of the resolution to the Chairperson of the Board of Education and to the Superintendent of Education.

Your Committee on Education concurs with the intent and purpose of H.R. No. 476, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 476, H.D. 1.

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

SCRep. 1059-80 Education on H.C.R. No. 132 (Majority)

The purpose of this concurrent resolution is to request the Board of Education not to consider or approve the proposed establishment of a textbook deposit system which would require all public school students to pay a \$10 to \$20 deposit for their textbooks.

Your Committee finds that the shortage of textbooks in public schools is adversely affecting the educational services provided to students, and believes that appropriate action should be taken to remedy this problem.

While your Committee recognizes the intent of the concurrent resolution, as received, your Committee believes it is more appropriate that the Department of Education do a comprehensive review of different methods to remedy its book shortage problem, and to recommend a system or methodology which would effectively remedy this problem on a long term basis. The concurrent resolution has been amended accordingly. The references made to the textbook deposit system and the assessment of fees have been deleted.

In order to conform to these amendments, your Committee has found it necessary to amend the title of the concurrent resolution to read: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY DIFFERENT METHODS TO REMEDY ITS BOOK SHORTAGE PROBLEM."

Your Committee has further amended the concurrent resolution by having the Department of Education report its findings and recommendations to the Legislature at least twenty days before the convening of the 1981 legislative session, and by transmitting certified copies of the concurrent resolution to the Chairperson of the Board of Education and to the Superintendent of Education.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 132, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 132, H.D. 1.

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

SCRep. 1060-80 Housing on H.R. No. 408

The purpose of this resolution is to request Congress to defeat the Downey Amendment to H.R. 5741.

House Resolution 5741 is currently being addressed by the United States Congress. This resolution, as introduced by U.S. Representative Al Ullman, eliminates the tax-exempt status currently enjoyed by mortgage-backed revenue bonds such as those being used for Hawaii's Hula Mae program. H.R. 5741 does, however, provide for transitional rules which would allow the issuance of up to \$150 million of mortgage-backed revenue bonds for State housing finance agencies.

The amendment introduced by U.S. Representative Thomas Downey proposed permanent provisions governing tax-exempt revenue bonds. The resolution, as amended, would seriously limit the Hawaii Housing Authority's ability to meet the housing needs of Hawaii's low- and moderate-income residents. One newly-added provision requires that 75 percent of all loans under a bond issue be 95 percent loans, that is, loans with down payments of five percent. This highly leveraged type of loan does not give a potential borrower the opportunity to lower the loan amount, and thereby the monthly payments, should the borrower be able to make a down payment of ten to twenty percent. Another provision requires that all bond funds issued under the 'transitional' rule must be committed to homeowners by January 1, 1981. This may force State finance agencies to market their bonds as soon as possible, glutting the market and raising bond interest rates.

The resolution before your Committee has been amended to be consistent with current Congressional action. The U.S. House of Representatives has already passed H.R. 5741 with the Downey Amendment, thus, (Hawaii) H.R. No. 408 now requests that the "U.S. Senate defeat H.R. 5741" instead of requesting that "Congress defeat the 'Downey Amendment.' "

Your Committee on Housing concurs with the intent and purpose of H.R. No. 408, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 408, H.D. 1.

Signed by all members of the Committee.

SCRep. 1061-80 Housing on H.C.R. No. 116

The purpose of this concurrent resolution is to request Congress to defeat the Downey Amendment to H.R. 5741.

House Resolution 5741 is currently being addressed by the United States Congress. This resolution, as introduced by U.S. Representative Al Ullman, eliminates the tax-exempt status currently enjoyed by mortgage-backed revenue bonds such as those being used for Hawaii's Hula Mae program. H.R. 5741 does, however, provide for transitional rules which would allow the issuance of up to \$150 million of mortgage-backed revenue bonds for State housing finance agencies.

The amendment introduced by U.S. Representative Thomas Downey proposed permanent provisions governing tax-exempt revenue bonds. The resolution, as amended, would seriously limit the Hawaii Housing Authority's ability to meet the housing needs of Hawaii's low- and moderate-income residents. One newly-added provision requires that 75 percent of all loans under a bond issue be 95 percent loans, that is, loans with down payments of five percent. This highly leveraged type of loan does not give a potential borrower the opportunity to lower the loan amount, and thereby the monthly payments, should the borrower be able to make a down payment of ten to twenty percent. Another provision requires that all bond funds issued under the 'transitional' rule must be committed to homeowners by January 1, 1981. This may force State finance agencies to market their bonds as soon as possible, glutting the market and raising bond interest rates.

The resolution before your Committee has been amended to be consistent with current Congressional action. The U.S. House of Representatives has already passed H.R. 5741 with the Downey Amendment, thus, (Hawaii) H.C.R. No. 116 now requests that the "U.S. Senate defeat H.R. 5741" instead of requesting that "Congress defeat the 'Downey Amendment.' "

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 116, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 116, H.D. 1.

Signed by all members of the Committee.

SCRep. 1062-80 Finance on H.R. No. 358

The purpose of this resolution is to request the Department of Health, Department of Education, and Department of Accounting and General Services to report to the Legislature before the close of the 1980 session on the proposed plans to remedy the problem of asbestos materials in public schools.

The problems of asbestos-containing materials in schools is recognized as a serious potential health hazard to the safety of Hawaii's children and educators. Many individuals and organizations are concerned that the problem should be remedied in the most appropriate manner.

Those Departments involved in remedying this problem are currently in the process of planning the solutions. The Department of Health testified that the points contained in the resolution are "in keeping with the efforts of the State to eliminate this hazardous problem."

This resolution requests the Department of Health to take the lead in this study, with the support and cooperation of the Department of Education and the Department of Accounting and General Services, and to report to the Legislature prior to the adjournment of the 1980 Session.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 358, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1063-80 Finance on H.R. No. 395

The purpose of this Resolution is to request the Bishop Museum to conduct a preliminary study on the feasibility of establishing a cultural center on the grounds of the Bishop

Museum or other suitable site. The Resolution further requests that the Hawaii Multi-Cultural Center and the State Foundation on Culture and the Arts assist the Bishop Museum in this study.

Your Committee agrees that the study be considered preliminary, so that the Legislature after reviewing the findings and recommendations of the study would then be able to decide whether or not appropriations should be made for a full-scale feasibility study, and that the location of a cultural center not be restricted to only the grounds of the Bishop Museum, so that the three agencies conducting the study would have more flexibility in discussions.

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. 1064-80 Finance on H.R. No. 53 (Majority)

The purpose of this resolution is to request information of the University of Hawaii on the level of authority and responsibility of the Women's Athletic Director and the Men's Athletic Director.

Your Committee agrees that a clearer articulation of the duties and responsibilities of both positions may avoid misinterpretation of such duties and responsibilities. Also, such specification of the duties and responsibilities of both positions may serve as a basis for changes.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 53, H.D. 1 and recommends its adoption.

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

SCRep. 1065-80 Legislative Management

Informing the House that House Resolution Nos. 555 to 566, House Concurrent Resolution Nos. 150 and 151, Standing Committee Report Nos. 1043-80 to 1064-80, Conference Committee Report Nos. 88 and 89, and Special Committee Report Nos. 21 to 24, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1066-80 Culture and the Arts on H.R. No. 488

The purpose of this resolution is for an interim committee (standing or special) appointed by the Speaker to review certain cultural, artistic, or historical programs located within or being operated as part of "The Cultural Plaza". One concern of the resolution for study or review is the operation of the Sun Yat Sen School.

Your Committee heard testimony favorable to the resolution. As new business requirements for owners and managers of "The Cultural Plaza" are invoked, the continuation of programs at the Sun Yat Sen School and other entities is threatened. Such a review by a House Committee would allow its recommendations for legislative measures to be substantiated by data and other findings by the Committee itself.

Your Committee on Culture and the Arts concurs with the intent and purpose of H.R. No. 488 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1067-80 Tourism on H.R. No. 454

The purpose of this resolution is to request the Legislative Reference Bureau (LRB) to conduct a full-scale study to determine the social impacts of the tourism industry in Hawaii.

Your Committee finds that tourism is one of Hawaii's largest source of jobs and income, employing over 90,000 people directly and indirectly, generating approximately \$2.2 billion in visitor expenditures in 1978, and contributing 31 percent of state and county tax revenues. Your Committee further finds that while the economic benefits of tourism have been quantified, the impacts of the large tourist industry on Hawaii's physical resources and people have not yet been studied.

Your Committee believes that a healthy tourist industry in Hawaii is greatly dependent upon the warmth and hospitality of our people, or what is commonly referred to as the "aloha spirit." Your Committee is concerned, however, that the "aloha spirit" may be eroding due to real or perceived negative impacts caused by tourism, such as impaired resident access to beaches, competition for domestic water and public resources, loss of open space and agricultural lands, and increased costs of living, costs of land, and crime.

Therefore, your Committee finds that a full-scale study should be conducted to actually determine the social impacts of the tourism industry in Hawaii.

Testimony by the Department of Planning and Economic Development (DPED) and the Hawaii Hotel Association (HHA) indicated that the DPED presently has plans to undertake such a study. Funds have been released by the Governor to allow the DPED to contract with the University of Hawaii Social Science Research Institute to assist the department in defining the scope of a study on the social impacts of tourism. Upon completion of this initial study and with legislative approval and budgeting, the DPED plans to conduct a comprehensive study of the social impacts of tourism in Hawaii.

In light of these on-going efforts, your Committee has amended H.R. No. 454 to express legislative direction as to what should be included in the social impact study to be prepared by the DPED. Accordingly, your Committee has amended the last "WHEREAS" clause to delete the portion describing the areas that the social impact study should address and has incorporated this portion into a new "BE IT RESOLVED" clause. Furthermore, all references to the Legislative Reference Bureau in the original title and three "BE IT RESOLVED" clauses have been deleted and replaced by references to the DPED. Therefore, H.R. 454, as amended, is now entitled, "REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO PREPARE A SOCIAL IMPACT ANALYSIS OF THE VISITOR INDUSTRY." Other minor grammatical changes have been made in the first and seventh "WHEREAS" clauses.

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 454, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 454, H.D. 1.

Signed by all members of the Committee.

SCRep. 1068-80 Finance on H.R. No. 449

The purpose of this Resolution is to request the Executive Office on Aging, in consultation with the State of Hawaii Department of the Attorney General, to study the existing legal assistance program under Title III of the Older Americans Act and to report to the Legislature prior to the convening of the 1981 Regular Session.

Your Committee is aware of a number of concerns expressed about the adequacy of legal services now available to the elderly. Among these concerns were the following:

1. Given the fact that for many economic security programs such as food stamps only a minority of eligible recipients actually receive benefits it seems possible that present legal service programs for the elderly are meeting only some fraction of their actual need for legal services.
2. We do not know now the actual volume of legal services provided the elderly and it may be difficult to find this out given present procedures of legal service providers.
3. The Executive Office on Aging's Advocacy Assistance Unit containing a legal services developer position is only funded through September, 1980 and if this unit is not funded for a longer period of time the Executive Office on Aging may have difficulty complying with this Resolution.
4. There seem to be no criteria developed to evaluate the adequacy of Area

Agency funding of legal services for the elderly.

5. Alternate means of providing legal assistance to the elderly have not been thoroughly explored. For example, the State has a "Child Protective Services" program but no comparable "Adult Protective Services" program. Some States have such a program and it provides an additional source of legal assistance for the elderly.

This Resolution also requests an interim House committee to assist the Executive Office on Aging in the conduct of its study. An interim Committee could provide valuable input to the study and through its assistance help the Executive Office on Aging complete its study perhaps before the end of September.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 449, H.D. 1, and recommends its referral to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1069-80 State General Planning on H.C.R. No. 139

The purpose of this resolution is to provide legislative direction to the Department of Land and Natural Resources in its revision of the functional plans for conservation lands and historic preservation.

Earlier this session, your Committee, in conjunction with the Committee on Water, Land Use, Development and Hawaiian Affairs, conducted hearings on the plans for conservation lands and historic preservation which were prepared by the Department of Land and Natural Resources (DLNR). Having found that they were in need of extensive revision, your committees did not recommend legislative adoption of the plans for conservation lands and historic preservation.

Recognizing that the DLNR should be given legislative direction in revising the plans for resubmittal next session, your Committee now recommends adoption of H.C.R. No. 139 which sets forth specific concerns that the department should address, but not be limited to, in its revisions of the functional plans for conservation lands and historic preservation.

Your Committee on State General Planning concurs with the intent and purpose of H.C.R. No. 139 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1070-80 Consumer Protection and Commerce on H.R. No. 462

The purpose of this resolution is to request the Public Utilities Commission to specifically consider the effect that the concept of lifeline rates may have in their consideration of such rates.

Your Committee finds that lifeline rates may prove to be a viable alternative to the present rate structure used by electric utility companies. Your Committee heard testimony that lifeline rates are designed to bill small consumers of electricity at rates lower than present assessments. Your Committee agrees that this concept, if effective, may provide relief to consumers and therefore should be considered.

Your Committee has made minor changes for clarification which do not change the intent of the resolution.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 462 and recommends its adoption in the form attached hereto as H.R. No. 462, H.D. 1.

Signed by all members of the Committee.

SCRep. 1071-80 Culture and the Arts; and Water, Land Use, Development and Hawaiian Affairs on S.C.R. No. 55

The purpose of this concurrent resolution is to request the President of the United

States and the Secretary General of the United Nations to establish and promote the International Year of the Pacific in the year 1981.

Your Committees agree with the intent of the concurrent resolution to establish and maintain an increasing awareness of the Pacific Islands with an emphasis on a national plan embracing such concerns as fisheries, coastal zone management, telecommunications, transportation, trade, tourism, and urban services.

Your Committees on Culture and the Arts and on Water, Land Use Development, and Hawaiian Affairs concur with the intent and purpose of S.C.R. No. 55 and recommend its adoption.

Signed by all members of the Committees except Representative Garcia.

SCRep. 1072-80 Tourism; and Culture and the Arts on H.R. No. 477

The purpose of this resolution is to request the Hawaii Visitors Bureau (HVB) to consider sending a promotional tour to Europe to commemorate the 100th anniversary of King Kalakaua's trip around the world. As part of the tour, the HVB is also requested to consider sending entertainer Palani Vaughan to present the music of Hawaii during King Kalakaua's reign. Moreover, the HVB is requested to consider whether the Schellenbaum which the German government desires to present to Hawaii should be received as part of the tour.

Your Committees find that King David Kalakaua was one of the first and foremost promoters of Hawaii. Acting as an ambassador of goodwill as well as a researcher curious about different cultures and people, King Kalakaua travelled around the world in 1881. As a result of his journeys, King Kalakaua gained world recognition for the previously little-known Hawaiian islands.

Your Committees believe that a promotional tour of Europe to commemorate the 100th anniversary of King Kalakaua's trip around the world would be particularly appropriate at this time. Not only would it recognize a man ahead of his time, but such an effort would open up new markets for Hawaii's tourism industry which has experienced a decline in visitors from traditional markets in recent months.

Therefore, your Committees request that the HVB consider sending a promotional tour to Europe to commemorate the 100th anniversary of King Kalakaua's trip around the world. This promotional tour could include a presentation of Hawaiian culture, especially the music from King Kalakaua's period which has been preserved by entertainer Palani Vaughn.

Your Committees have amended the resolution, however, to delete the seventh "WHEREAS" clause and the third "BE IT RESOLVED" clause which refer to the Schellenbaum. Your Committees find that the Schellenbaum was a musical instrument which was presented to King Kalakaua by the German government but was destroyed in 1893, following the overthrow of the Hawaiian monarchy. Although a replica is being constructed for presentation to the Royal Hawaiian Band, your Committee finds that it is being funded by private sources and not by the German government as originally stated in the resolution.

Your Committees on Tourism and Culture and the Arts concur with the intent and purpose of H.R. No. 477, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 477, H.D. 1.

Signed by all members of the Committees.

SCRep. 1073-80 Culture and the Arts; and Water, Land Use, Development and
Hawaiian Affairs on H.C.R. No. 128

The purpose of this concurrent resolution is to request the Department of Planning and Economic Development, through the Governor's Advisory Council on China Affairs, to initiate establishment of a sister-state/province relationship between Hawaii and Guangdong Province in China.

Your Committees heard testimony favorable to such a request. Historically, Hawaii's people of Chinese ancestry owe their ethnic origins to Guangdong (Kwangtung) Province wherein Canton and its surrounding environment already have strong ties with Hawaii's culture. Certain diplomatic, commercial, and technological advantages can be accrued

by such an official relationship between Hawaii and Guangdong. The Advisory Council on China Affairs finds the concurrent resolution most appropriate and favorable to Hawaii's Chinese community and all others here.

Your Committees further recommend that the Advisory Council look again to the possibility of initiating establishment of other sister-state/province relationships in the near future. Such a consideration might be that of Jiangsu Province. Moreover, the Advisory Council should explore the further possibility of initiating establishment of sister-city relationships with Chinese cities such as Nanjing.

Your Committees on Culture and the Arts and on Water, Land Use Development, and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 128 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1074-80 Culture and the Arts on H.R. No. 481

The purpose of this resolution is to recognize May 7 through May 14, 1980 as Asian/Pacific American Heritage Week.

Your Committee feels that such a celebration will successfully encompass the peoples and cultures of China, Japan, Korea, the Philippines, the Pacific Islands, and South East Asia and effectively promote their varied cultures and institutions.

Your Committee concurs with the intent and purpose of H.R. No. 481, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1075-80 Culture and the Arts on H.C.R. No. 134

The purpose of this concurrent resolution is to recognize May 7 through May 14, 1980 as Asian/Pacific American Heritage Week.

Your Committee feels that such a celebration will successfully encompass the peoples and cultures of China, the Philippines, Japan, Korea, South East Asia, and the Pacific Islands and effectively promote their varied cultures and institutions.

Your Committee concurs with the intent and purpose of H.C.R. No. 134 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1076-80 State General Planning on H.R. No. 495

The purpose of this resolution is to provide legislative direction to the Department of Land and Natural Resources in its revision of the functional plans for conservation lands and historic preservation.

Earlier this session, your Committee, in conjunction with the Committee on Water, Land Use, Development and Hawaiian Affairs, conducted hearings on the plans for conservation lands and historic preservation which were prepared by the Department of Land and Natural Resources (DLNR). Having found that they were in need of extensive revision, your committees did not recommend legislative adoption of the plans for conservation lands and historic preservation.

Recognizing that the DLNR should be given legislative direction in revising the plans for resubmittal next session, your Committee now recommends adoption of H.R. No. 495 which sets forth specific concerns that the department should address, but not be limited to, in its revisions of the functional plans for conservation lands and historic preservation.

Your Committee on State General Planning concurs with the intent and purpose of H.R. No. 495 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1077-80 Consumer Protection and Commerce on H.C.R. No. 102

The purpose of this concurrent resolution is to request that the Department of Regulatory Agencies review the Federal Trade Commission's life insurance cost disclosure rules and proposals for possible adoption.

Your Committee finds that life insurance is important both to the general economy and to most individuals. Your Committee believes that full disclosure is important to allow consumers to make informed decisions, and therefore supports the intent of the resolution to study the requiring of life insurance cost disclosure.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 102 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1078-80 Finance on H.R. No. 494

The purpose of this resolution is to request the Department of Education (D.O.E.) to review the offering of agriculture and aquaculture courses on a year-round basis.

Agriculture and aquaculture are important components of Hawaii's economy, and it is believed that the D.O.E. can play a primary role in broadening and stimulating student knowledge and interest in these fields by providing courses on these subject areas throughout the year.

Presently, the D.O.E. is offering agriculture and aquaculture programs to economically disadvantaged students during the summer months. Your Committee agrees that all interested students should be given the opportunity to enroll in agriculture and aquaculture courses throughout the school year, including the summer months.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 494, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1079-80 Finance on H.R. No. 27

The purpose of this resolution is to request the Hawaii Community Development Authority (HCDA) and the Department of Planning and Economic Development (DPED) to study the feasibility of utilizing mutual telecommunications in the planned redevelopment of the Kakaako Community Development District.

Technological breakthroughs will allow advanced telecommunication systems to be employed during this century and will significantly impact traditional behavior patterns of our society. For example, with the use of telecommunication systems, people may no longer need to commute great distances to work, to conduct personal business, or to be educated.

Telecommunication systems enable the rapid, accurate, and cost-efficient transmission and retrieval of information and are already being utilized in the private sector, notably by Hawaiian Telephone Co. To eliminate the need to travel to downtown Honolulu for work, Hawaiian Telephone Co. is presently considering the possibility of having their Oahu operators work from remote job sites.

The HCDA is now entering Phase III of its work whereby alternative strategies for the redevelopment of the Kakaako district are being formulated. In the formulation of these alternative strategies, the use of telecommunication systems and their impact on development proposals should be examined.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 27 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1080-80 Finance on H.R. No. 472

The purpose of this resolution is to request the creation of an advisory committee to study and make recommendations on issues involving nuclear or radioactive materials in the State of Hawaii.

It has become evident that this issue is so complex that action must be taken to set a clear state policy towards the use and disposal of nuclear materials. Such policy is critical to the safety of the residents of the islands of Hawaii, and even to the islands themselves, and must be established before the widespread use of nuclear materials and the proliferation of piecemeal legislation make any comprehensive and consistent policy impossible.

The Committee proposed by this resolution would provide the knowledge and expertise necessary to study the problems and offer advice as to the course of action which should be taken by the State in regards to nuclear and radiological issues.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 472, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1081-80 Finance on H.R. No. 35

The purpose of this resolution is to request the department of social services and housing to determine the costs of establishing and implementing a telecommunications system for use by deaf and home-bound handicapped persons which would enable them to communicate with legislators and state and county government offices; to determine the length of time it would take to establish and implement such a system; to determine the numbers of person which could be served by such a system; to study the feasibility of a telecommunications system in light of the cost, time, and numbers of potential users; and to determine what federal funds would be available to assist in the establishment and implementation of a telecommunications system.

Your Committee believes that a thorough study of this matter should be undertaken in order that the needs of the handicapped are better met.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 35, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1082-80 Finance on H.R. No. 210

The purpose of this resolution is to request the Department of Education to study various means or methods by which to help remedy student reading problems or difficulties, and to improve the overall reading ability and performance of our public school students.

Reading is perhaps the most important skill to master as it is essential to the learning of other skills and subjects while in school, and to effectiveness and success in life after high school education. However, as a whole Hawaii's public school students perform below the national average in reading achievement, as illustrated by test scores on the Stanford Achievement Test.

Therefore, it is appropriate and, in fact, necessary that the Department of Education do a thorough study of methods by which the reading skills and achievement of our public school students can be improved. This study should include the feasibility of strengthening the Department's requirements for certification in reading and the feasibility of hiring teachers who are specially certified to teach reading.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 210, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1083-80 Finance on H.R. No. 286

The purpose of this resolution is to urge the College of Tropical Agriculture and Human Resources of the University of Hawaii, with the assistance of the State Departments of Agriculture and Planning and Economic Development; the Agriculture Coordinating Committee; and entities in the private nursery sector, to perform a study on the feasibility of cultivating low-land Protea on low elevation sites on Oahu.

Protea cultivars might be developed which would thrive and produce at lower altitudes, and the development of such cultivars would benefit and enhance the growth of the Protea industry.

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

Signed by all members of the Committee.

SCRep. 1084-80 Finance on H.R. No. 312

The purpose of this resolution is to request the Department of Education, in consultation with the Hawaii Government Employees' Association and the Hawaii State Teachers' Association, to develop and implement a program to promote sound resource management practices within the Department of Education.

The Department of Education (D.O.E.) budget is the largest budget allocated to a single State department, comprising approximately one-fifth of the State's total budget. The D.O.E. is currently operating 227 public schools and servicing approximately 170,000 students. Therefore, it is appropriate and, in fact, necessary that the D.O.E. develop and implement a program to promote sound resource management practices, taking into consideration that the various Educational Officers are directly responsible for the allocated resources.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 312, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1085-80 Finance on H.R. No. 322

The purpose of this resolution is to encourage the development of the relative home maintenance assistance program and to request a report on progress on the program prior to the convening of the 1981 legislative session.

Your Committee recognizes the need to support at-home, noninstitutional care and feels that this program could well handle needs in this area. Therefore, further development of the program is warranted at this time.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 322 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1086-80 Finance on H.R. No. 328

The purpose of this resolution is to request the Department of Health to investigate the potential use of computerized medical information systems for possible productive and cost effective uses within State hospital facilities.

The Department of Health has already taken steps to investigate limited use of computerized systems within certain programs, and key personnel have made on site visits to observe the PROMIS system. This resolution will assure the department's continuance of its investigation for potential uses of computerized systems within State hospitals.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 328, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1087-80 Finance on H.R. No. 332

The purposes of this resolution are (1) to instruct the Hawaii Society for Autistic Children to cooperate with the Departments of Education and Health to create a special classification for autistic children, (2) for the Departments of Education and Health to provide adequate diagnostic services to aggressively search out and identify such autistic children, and (3) for the Departments of Education and Health to provide these children with adequate learning environments, and the opportunity to maximize their abilities and potentials.

Presently, autistic children are classified as "severely emotionally disturbed." Among the characteristics of autistic children are an inability to relate to people, speech deficiencies, eating problems, and a preservation of sameness in their surroundings. They also, however, are characterized as having a physical handicap in the form of a neurological disorder, while severely emotionally disturbed children do not have this neurological disorder.

Your Committee agrees that autistic children would receive better educational and health services if they are classified and serviced independently from the severely emotionally disturbed, therefore a special classification for autistic children should prevent confusion and problems which may occur from the misclassification of these children, and should optimize the services provided to them.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 332 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1088-80 Finance on H.R. No. 341

The purpose of this resolution is to request the Department of Land and Natural Resources to extend all existing and expired cooperative agreements with prawn pond operators and to continue to provide these operators with the necessary stock of juvenile prawns.

Your Committee agrees that the extension of cooperative agreements with prawn pond operators is desirable in order to determine the success or failure of the Malaysian prawn farming business.

The resolution calls for a report to be submitted to the 1981 Legislature concerning the plan to phase out the provision of juvenile prawns to the industry.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 341, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1089-80 Finance on H.R. No. 345

The purpose of this resolution is to request the Department of Labor and Industrial Relations to conduct a study of the need to regulate persons providing health and safety hazard control and prevention services to the public and private sectors.

Your Committee agrees that there is a need to identify persons providing health and safety hazard control and prevention services.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 345, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1090-80 Finance on H.R. No. 372

The purpose of this resolution is to request the Department of Land and Natural Resources to update and improve existing fish and game regulations and statutes, and to submit its findings and recommendations to the legislature twenty days prior to the convening of Regular Session of 1981.

Your Committee agrees that the management of fish and game resources concerns allocation of the living renewable resources in line with ever changing socio-economic values, some of the present rules, regulations and statutes that apply to fish and game understandably may be outdated. The Department of Land and Natural Resources in 1978, submitted a project proposal and gained approval from the Federal Office of Coastal Zone Management for the 1978-79 fiscal period to review "Land Laws" under Title 12, Chapters 171 to 196, Hawaii Revised Statutes including the rules and regulations established thereto. This review was undertaken by the Office of the Attorney General which essentially recommended updating, combining, and codifying the statutes, rules and regulations of the department.

Your Committee finds that Act 216, SLH 1979, was adopted requiring all State agencies to revise their existing rules. This will further enable the legislature to review the fish and game rules.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 372 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1091-80 Finance on H.R. No. 422

The purpose of this resolution is to express support of a bikeway between Waimea and Kekaha on the island of Kauai.

The Department of Transportation concurs with the intent and purpose of this resolution, noting that this is one of the priority bikeway projects in the Kauai Bikeway Plan.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 422 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1092-80 Finance on H.R. No. 423

The purpose of this resolution is to request the University of Hawaii to review the status of the number and distribution of the State Financial Aids Units which are specified in the Hawaii Revised Statutes. The University is also requested to make recommendations to the Eleventh State Legislature for statutory changes that may be indicated.

The growth of the University of Hawaii among its nine campuses over the past several years apparently has placed considerable strain on the number and distribution of the various State scholarships. The University is currently studying the matter and welcomes the opportunity to report its findings and recommendations to the Legislature.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 423 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1093-80 Finance on H.R. No. 425

The purpose of this resolution is to request the Department of Defense to conduct a study on the feasibility of establishing emergency hotlines on Oahu and on the other major islands which the public may call to receive disaster instruction and assistance.

Your Committee agrees that there is a need to further educate the public to properly react to disasters and the study called for by this resolution is in order. The civil defense administration of each county is requested to cooperate in the conduct of this study, which is to be completed and reported back to the 1981 legislature.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 425 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1094-80 Finance on H.R. No. 437

The purpose of this resolution is to request the State Employment and Training Council and the Commission on Manpower and Full Employment to jointly develop a statewide policy and coordinated program objectives for youth development and training in Hawaii for submission to the Legislature prior to the 1981 Regular Session and dissemination to appropriate service providers and organizations and the general public.

Your Committee agrees that youth employment problems need to be dealt with and finds this resolution to be in order.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 437, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1095-80 Public Employment and Government Operations on H.R. No. 221

The purpose of this resolution is to circulate copies of the Code of Ethics for Government Service to public employees and elected officials.

The Congress of the United States, by H.R. 175 of the 85th Congress, has already adopted a Code of Ethics for Government service, which states a clear position on acceptable practices within government service.

The State Ethics Commission supports the basic concepts contained in the Code of Ethics for Government Service in the resolution. However, it is their concern that if the present language of the resolution is adopted, confusion may arise as to the status of the current State Ethics Code contained in H.R.S. Chapter 84.

Your Committee has therefore amended this resolution by adding a clause which would call the attention of employees and officials to the application of Chapter 84, Hawaii Revised Statutes, and mandate the adherence of officials and employees to the provisions of that chapter.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of H.R. No. 221, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 221, H.D. 1.

Signed by all members of the Committee.

SCRep. 1096-80 Public Employment and Government Operations on H.C.R. No. 70

The purpose of this concurrent resolution is to circulate copies of the Code of Ethics for Government Service to public employees and elected officials.

The Congress of the United States, by H.R. 175 of the 85th Congress, has already adopted a Code of Ethics for Government service, which states a clear position on acceptable practices within government service.

The State Ethics Commission supports the basic concepts contained in the Code of Ethics for Government Service in the concurrent resolution. However, it is their concern that if the present language of the concurrent resolution is adopted, confusion may arise as to the status of the current State Ethics Code contained in H.R.S. Chapter 84.

Your Committee has therefore amended this concurrent resolution by adding a clause which would call the attention of employees and officials to the application of Chapter 84, Hawaii Revised Statutes, and mandate the adherence of officials and employees to the provisions of that chapter.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of H.C.R. No. 70, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 70, H.D. 1.

Signed by all members of the Committee.

SCRep. 1097-80 Legislative Management on H.R. No. 496

The purpose of this resolution is to allow the various standing committees as presently constituted or sub-committees thereof, or special committees of the House of Representatives, as authorized by the Speaker, to meet to gain information and conduct hearings in the interim between the adjournment of this regular session of 1980 and the convening of the regular session of 1981 on matters of concern to the House and to that particular committee, and in connection therewith to employ such assistance as authorized by the Speaker. The resolution further authorizes the Speaker to establish special committees with such members, functions and duties as the Speaker shall appoint and designate to be necessary for the committees to carry out the purpose of this resolution.

As authorized by the Speaker and as provided by law, the committees, as necessary, will be allowed to issue subpoenas.

There shall be no expenses incurred or payments of any sort made except with the written approval of the Speaker.

Your Committee on Legislative Management is in accord with the intent and purpose of House Resolution No. 496 and recommends its adoption.

Your Committee further recommends that any further referrals and pending referrals now in this Committee be disposed of under the purview of this resolution.

Signed by all members of the Committee.

SCRep. 1098-80 Legislative Management

Informing the House that House Resolution Nos. 567 to 578, House Concurrent Resolution No. 152, Standing Committee Report Nos. 1066-80 to 1097-80, and Special Committee Report Nos. 25 to 29, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1099-80 Youth and Elderly Affairs on S.C.R. No. 58

The purpose of this concurrent resolution is to request the Department of Social Services and Housing to act as the convenor of a meeting or series of meetings to determine the need for a State Interagency Coordination Committee on Child Abuse and Neglect.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of S.C.R. No. 58, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Blair, Honda and Lee.

SCRep. 1100-80 Legislative Management

Informing the House that Standing Committee Report Nos. 1099-80, 1101-80 and 1102-80, have been printed and distributed.

Signed by all members of the Committee.

SCRep. 1101-80 Health on H.R. No. 344

The purpose of this resolution is to request the Legislative Reference Bureau to conduct an in-depth study of the existing county coroner system and make recommendations for a plan to develop a uniform statewide medical examiner system.

The Department of Health, Hawaii Medical Association, Pathology Department of the John A. Burns School of Medicine, and the Hawaii Society of Pathologists testified in support of this Resolution.

Many coroners exams are conducted each year for medical purposes. Your Committee finds that the present county coroner system varies considerably from county to county. This is due to many variables, including available facilities, expertise of personnel,

budget constraints and involvement of local physicians. Adequately trained personnel is of particular concern in the neighbor island counties due to the lower numbers of cases.

A small proportion of the coroners exams are for cases involving unnatural death. There is presently no legal requirement to have fully trained forensic medico-legal autopsies and there is a wide range of expertise in the various counties. Testimony presented by the Hawaii Medical Association listed some of the ramifications of a poor medico-legal investigative system, including evidence needed for criminal investigations and convictions. There is presently a lack of uniform reporting of unnatural deaths, making it difficult to obtain accurate data on the numbers of unnatural deaths and the kinds of deaths.

Your Committee on Health concurs with the intent and purpose of H.R. No. 344 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1102-80 State General Planning; Health; Housing; and Higher Education on H.R. No. 417 (Majority)

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to work in conjunction with the Department of Health (DOH), University of Hawaii (UH), and Hawaii Housing Authority (HHA) to develop a coordinated plan for a Windward Community Complex in Kaneohe, Oahu.

According to testimony presented before your Committees, the Hawaii State Hospital grounds at Kaneohe, Oahu comprises approximately 171 acres of land and is now being utilized by both the State Hospital and Windward Community College. Within this area, expansion of the State Hospital and Windward Community College is being planned by the DOH and UH. Additionally, the HHA has expressed an interest in developing a housing project on a portion of the land.

Your Committees find that the DOH and UH have been developing separate plans for the expansion of their facilities while the HHA has not yet made any firm proposals for housing developments on the land in question. Before planning proceeds further, however, your Committees believe that a conceptual plan for the use of the entire parcel should be undertaken so as to ensure coordination amongst all agencies concerned and the best use of the land.

Because confusion existed as to the scope of the master plan, your Committees have amended H.R. No. 417 to delete the references to a "Windward Community Complex" originally contained in the title, twelfth "WHEREAS" clause, and first "BE IT RESOLVED" clause. Therefore, H.R. No. 417, as amended, is now entitled, "HOUSE RESOLUTION REQUESTING THE PREPARATION OF A MASTER PLAN FOR THE USE OF HAWAII STATE HOSPITAL LANDS AT KANEOHE, OAHU." Instead of a master plan for a regional complex, your Committees are requesting the preparation of a master plan for the use of only the 171 acres of Hawaii State Hospital lands. Your Committees intend, however, that in developing the master plan for the parcel in question, consideration be given to the existing and potential uses of the surrounding area and community as well.

Your Committees on State General Planning, Health, Housing, and Higher Education concur with the intent and purpose of H.R. No. 417, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 417, H.D. 1.

Signed by all members of the Committees except Representatives Andrews, Hagino and Anderson.
(Representative Marumoto did not concur.)

SCRep. 1103-80 Legislative Management

Informing the House that House Resolution Nos. 579 to 592, and Conference Committee Report Nos. 90 to 96, have been printed and distributed.

Signed by all members of the Committee.