

SCRep. 726      Public Employment and Government Operations on S.B. No. 117  
(Majority)

The purpose of this bill is to expand the situations wherein members of the National Guard may be ordered to active service by the Governor.

Your Committee is in agreement with this bill which amends Section 121-30, Hawaii Revised Statutes, to authorize the governor to order the National Guard to active service such as protocol assignment, civil defense training exercise, and to provide assistance at numerous special departmental functions.

Your Committee also believes that these amendments are necessary to facilitate the compensation of National Guard personnel called upon to perform state and department related functions.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 117 and recommends that it pass Second Reading and be referred to the Committee on Finance.

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

SCRep. 727      Public Employment and Government Operations on S.B. No. 1200

The purpose of this bill is to authorize the counties of this State to guaranty bank loans to bodies corporate and public instrumentalities created pursuant to state law and to aid and further the activities of and purposes for which such bodies corporate and public instrumentalities were created.

Your Committee is in agreement that assistance through bank loans to bodies corporate and politic and public instrumentalities would benefit the community at large. The County guaranties on bank loans requested would strengthen the loan and result in better interest rates.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 1200, 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  
Honda and Nakasato.

SCRep. 728      Public Employment and Government Operations on S.B. No. 20

The purpose of this bill is to reduce the period allowed to the State and counties to pay for goods and services received from sixty days to forty-five days, before any interest is assessed; and to delete the requirement of submitting the original bills in specified business transactions with the State.

Your Committee finds that many small independent businesses which contract with the State and counties survive on a tight cash flow. When they are not promptly paid by the State or counties, difficulties arise in paying ordinary operating expenses and suppliers.

Your Committee has amended Section 1 of the bill in the interest of clarity by deleting the sentence on lines 16, page 1, and lines 1 and 2, page 2, that specifies to whom the section applies since those to whom the section does not apply are already identified.

Sections 40-56 and 40-57, HRS, have been amended to retain "original" warrant vouchers, which was inadvertently deleted in Senate Draft 1. The bill was also amended to include Section 40-57.5, HRS, which relates to "original" bills.

The intent of the amended bill is to delete the requirement of submitting "original" bills (invoices) in business transactions with the State. Computers and word processors may not produce copies which are designated "original." Consequently, vendor payment is unnecessarily delayed because of this requirement.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 20, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 20, S.D. 1, H.D. 1, and

be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hayes, Honda, Nakasato, Tungpalan and Yoshimura.

SCRep. 729 Public Employment and Government Operations on S.B. No. 1175

The purpose of this bill is to conform certain provisions in the Hawaii Revised Statutes relating to bonds of the Counties to changes in federal tax laws under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and to make technical amendments to Section 47-8 and 47C-2, HRS.

According to testimony, the TEFRA requires that all tax exempt municipal bonds issued after June 30, 1983 be fully registered. Although the county general obligation bond statutes allow the issuance of registered bonds, additional language must be enacted to provide for signing, exchanging, transferring, and replacing fully registered bonds.

Your Committee is in agreement to the technical amendments included in this bill which: allow bonds to bear the signature of the deputy director of finance; authorize the issuing of typewritten bonds which are used to secure loans from a public instrumentality; and restores the date as of which the annual summary of total indebtedness is to be certified from the last day of each fiscal year to the first day of each fiscal year.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 1175, 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 except Representatives Hayes, Honda, Nakasato and Tungpalan.

SCRep. 730 Public Employment and Government Operations on S.B. No. 122

The purpose of this bill is to clarify certain aspects of Chapter 92E, HRS, relating to the Fair Information Act, that affect the Vital Records Program.

According to testimony, great costs are incurred by the Department of Health when searches must be implemented to secure old or obscure records. This bill amends section 92E-7 to allow the agency to charge for these costs, thus saving the agency some of its expenses.

Presently, it is the Department of Health's policy to allow an individual to have a factual error in his personal records corrected without necessarily submitting proof of the item in error. This bill amends section 92E-8 to require an individual requesting an amendment to a record to submit proof or substantiating evidence of that error.

This bill also amends section 92E-11 so that an employee must be shown to have knowingly violated a provision of the section before the agency can be found liable.

Your Committee is in agreement to amend this bill to replace the word "proof" with the word "evidence" where it is underscored twice in reference to amending Section 92-8(b), HRS. Your Committee believes that the word "proof" places a greater demand than necessary on an individual and that the word "evidence" would be a more appropriate substitution for requesting the correction of personal records.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 122, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 122, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Graulty, Honda, Nakasato, Tungpalan and Yoshimura.

SCRep. 731 Public Employment and Government Operations on S.B. No. 519

The purpose of this bill is to restructure the Board of Social Services of the Department of Social Services and Housing.

Under present law, the Board consists of one member from each Senatorial district,

three members-at-large, and the director of Health as an ex officio member. However, as a result of the reapportionment of the State into twenty-five members, which would be both cumbersome and costly.

This bill sets the Board membership at ten: one from each county (with the exception of Kalawao), five members-at-large, and the director of Health as an ex officio non-voting member.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 519 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives  
Honda and Nakasato.

SCRep. 732 Public Employment and Government Operations on S.B. No. 89

The purpose of S.B. No. 89 is to provide legislative clarification so that the State Immigrant Services Center is authorized to enter into contracts for such services as may be necessary for it to carry out its statutory duties.

Your Committee is in agreement to modify grammar and syntax for better readability, and to authorize the State Immigrant Services Center to contract for services necessary in implementing its legal mandate, as well as to satisfy the provisions of Chapter 42, HRS, Relating to Grants Subsidies and Purchases of Service.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 89 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Honda.

SCRep. 733 Public Employment and Government Operations on S.B. No. 1173

The purpose of this bill is to give counties the power to issue tax anticipation notes.

Presently, the largest source of revenue for the counties is the real property tax which at this time is collected in two payments during the fiscal year. This presents a cash flow problem during the intervening months.

According to testimony, this bill authorizes counties to issue tax anticipation notes in anticipation of revenues to be collected from taxes levied in the same fiscal year, provided that the amount of the notes shall not exceed 25% of the amount of taxes levied and uncollected, less the amount of tax anticipation notes outstanding. This type of debt instrument differs from the general obligation and revenue bonds in that they are issued for the financing of current operating and capital expenditures in anticipation of the receipt of revenues expected to be generated from taxes imposed in the current fiscal year.

Your Committee is in agreement that this bill would help alleviate the cash flow problems and allow the counties to meet daily expenditures.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 1173, 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 except Representative Honda.

SCRep. 734 Public Employment and Government Operations on S.B. No. 840

The purpose of this bill is to limit the availability of retirement benefits for certain employees who have entered military service.

Under present law if a member of the Employees' Retirement System leaves his or her regular position or employment for the purpose of entering the military service, he or she is treated as if continuously in the active service of the State or county so long as the member remains in military service. Such member is given retirement service credit for the period the member remains in military service, and, further,

during such period that State or county employer is required to pay all contributions payable to the Employees' Retirement System by the State, county, or member with respect to such member.

According to testimony, if a member is ordered to active duty for an indefinite period, a qualifying service member would be entitled to the benefits under Section 88-132 for such an indefinite period, and for the entire period, the member would accumulate retirement service credit and burden the State or county with the 100% cost of employer and member contributions.

Your Committee is in agreement to amend Section 88-132 to limit the availability of the benefits thereunder to no more than two years and exclude those who voluntarily enter military service from qualifying for the service credit.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 840, S.D. 1, recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Honda.

SCRep. 735      Public Employment and Government Operations on S.B. No. 149  
(Majority)

The purpose of this bill is to allow chief executives of the State and counties to appoint civil service employees to positions as directors and deputy directors of executive departments with guaranteed return rights.

According to testimony, provisions now exist which allow civil service employees to serve elsewhere as loan to another government, to the State Legislature, or to perform union service.

Your Committee is in agreement with this bill to give chief executives a broader pool of qualified persons from whom to select since it quarantees civil service return rights. It allows chief executives to utilize specialized talent from the service in positions where it can be most effective for the public good.

Your Committee has amended this bill to include as exempt appointment to positions of secretary to a department head and secretary to a deputy department head. The secretaries of department heads and deputy department heads work very closely with their respective bosses and therefore should be appointed to their positions without loss of rights and benefits pertaining to the classified service, particularly return rights to their former or comparable position.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 149, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 149, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives  
Honda and Nakasato.  
(Representatives Grauly and Anderson did not concur.)

SCRep. 736      Public Employment and Government Operations on S.B. No. 839

The purpose of this bill is to extend the effective date of the amendment made by Act 165, Session Laws of Hawaii 1982, to paragraph (1) of section 88-74, Hawaii Revised Statutes (HRS), from July 1, 1982 to January 1, 1983.

The adoption of Act 165 incorporated many technical and substantive amendments to section 88-74, HRS, which relates to the Employees' Retirement System in order to reflect the Legislature's original intent concerning an early retirement provision. As such, Act 16 allows early retirement without penalty only if the member has a total of at least twenty-five years of credited service as a police officer, firefighter, corrections officer, sewer worker, or investigator of the Prosecuting Attorney's Office or Attorney General's Office and has served the last five years in one of the positions.

This amendment took effect on July 1, 1982. Although the legislative changes were circulated, the change to HRS 88-74 was not recognized. Therefore, the Employees' Retirement System continued the practice of granting early retirement benefits without

penalty if the member had served the last five years of the 25 years of service in such capacities.

Three individuals retired during the period July 1, 1982, to December 31, 1982, whose benefits were calculated erroneously pursuant to the adoption of Act 165. To comply with the Act 165 at this time would result in substantially reduced benefits to these three individuals. This bill would correct this inequity.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 839, 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 Hayes, Honda, Nakasato, Tungpalan and Yoshimura.

SCRep. 737 Public Employment and Government Operations on S.B. No. 66

The purpose of this bill is to require the Hawaii Public Employment Relations Board (HPERB) to verify each employee's name, signature and the date of each signature submitted in the proof of representation. Any discrepancy would disqualify the employee from the percentage required in the proof of representation. The result of the verification is to be reported to the employer and the employee organization concerned.

Your Committee finds that although there is a need for a verification process to be codified, that this bill, as drafted, would unduly prolong the verification process and potentially violate the secrecy of the names of employees who support a rival union. Accordingly, your Committee has amended this bill by requiring the HPERB to first obtain from the employer the payroll list of employees as of the date the representation petition was first filed and compare the signatures found on the petition or authorization cards with signatures of the employees on dues check-off authorizations or other records available to the board.

Your Committee has further amended this bill by deleting the requirement that the board report the results of the verification to the employer and employee organizations concerned. The intent is to clearly state that the determination of the showing of interest is purely a ministerial act and shall not be reviewable by the board. This is in accord with National Labor Relations Board policy and current case law on the subject.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 66, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 66, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Honda, Nakasato and Medeiros.

SCRep. 738 Energy, Ecology and Environmental Protection and Ocean and Marine Resources on S.B. No. 133

The purpose of this bill is to allow for better conservation of native forms of life by correcting inconsistencies in the definitions of aquatic life and wildlife, and to provide additional regulatory powers for the Department of Land and Natural Resources.

Chapter 195-D, Hawaii Revised Statutes, relating to Conservation of Wildlife and Plants, does not clearly state that aquatic life is provided for by the chapter. This bill will remove any doubt that Chapter 195-D applies to aquatic life.

The chapter presently establishes penalties for persons who violate its provisions. This bill amends those penalties to achieve consistency with penalties for other violations of conservation laws.

Your Committees find that the term "plant" as referred to in this bill, is in need of clarification. This bill has been amended to make a distinction between "land plant" and "aquatic plant". The word "land" has been inserted with every reference to the word "plant" throughout this bill.

Your Committee on Energy, Ecology, and Environmental Protection and your Committee on Ocean and Marine Resources are in accord with the intent and purpose of S.B. No. 133, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 133, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 739 Water, Land Use, Development and Hawaiian Affairs on S.B. No. 134

The purpose of this bill is to amend Section 183-19, Hawaii Revised Statutes, which presently allows the Department of Land and Natural Resources to remove, shoot, or destroy wild cattle on State forest reserves, after proper notice to the public. In effect, the bill would add State game management areas and public hunting areas to the purview of Section 183-19.

According to testimony, wild cattle are found not only in State forest reserves but also in the game management areas and public hunting areas, and are inflicting serious damage to game watering devices, game plantings, and wildlife habitat, to the detriment of game birds, game mammals, and native wildlife and plants. Given the authority to notify the public of impending elimination of these wild cattle in game management and public hunting areas, the Department of Land and Natural Resources would be able to provide for more effective wildlife management and enhancement of game resources to the benefit of hunters.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of S.B. No. 134 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 Kawakami.

SCRep. 740 Water, Land Use, Development and Hawaiian Affairs and Ocean and Marine Resources on S.B. No. 889

The purpose of this bill is to amend Section 188-25, Hawaii Revised Statutes, by deleting subsection (b) relating to reversion of the prohibition on sale of speared fish other than sharks, u'u, uhu and kumu after December 31, 1983. In effect, the bill would make it lawful to sell all species of fish taken with spears.

According to testimony, the Department of Land and Natural Resources has monitored commercial spearfishing activities for several years through landings reported in monthly catch reports required of licensed commercial fishers, market observations, interviews with fishers, fish dealers, and consumers. The Department further has indicated that the sale of speared fish has had no major adverse effect on the resources' sustainable yield.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Ocean and Marine Resources are in accord with the intent and purpose of S.B. No. 889 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Kawakami and Souki.

SCRep. 741 Agriculture on S.B. No. 953

The purpose of this bill is to amend Section 26-16, Hawaii Revised Statutes, to specify that the majority of the members of the Board of Agriculture shall be from the agricultural community of the agricultural support sector.

Presently, members of the Board of Agriculture who are from agricultural industries may be in conflict of interest if they discuss matters affecting those industries during Board meetings. A 1978 revision of Section 84-14, Hawaii Revised Statutes, provided that members of boards or commissions mandated by statute to have particular qualifications would not be prohibited from taking official action on any matter as long as it did not directly and specifically affect a business or undertaking in which the member has substantial financial interest and the substantial financial interest

is related to the member's particular qualification.

The State Ethics Commission has informed the Board of Agriculture that because the only statutory qualification required of Board of Agricultural members is geographical, the provisions of the 1978 amendment of Section 84-14 would not apply. Thus, members from agricultural industries would be in conflict if they were to even discuss matters affecting those industries at Board meetings.

This bill amends Section 26-16 to mandate that a majority of the members of the Board of Agriculture be from the agricultural community or agricultural support sector. The intent of the amendment is to bring such members within the purview of Section 84-14. Your Committee feels that the public deserves to have the full benefit of the technical expertise of members of the agricultural community and agricultural support sector during deliberations of the Board of Agriculture.

Your Committee on Agriculture is in accord with the intent and purpose of S.B. No. 953 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 742      Transportation on S.B. No. 749

The purpose of this bill is to permit the examiner of licenses to suspend or revoke a driver's license upon the driver's conviction by the federal government in the State or in another state of an offense which, if committed within the jurisdiction of this State, would be grounds for suspension or revocation of a driver's license.

Under present law the examiner may suspend or revoke a driver's license upon the driver's conviction in another state of an offense which, if committed within this State, would be grounds for suspension or revocation of a driver's license. Your Committee finds that it is anomalous that a person with a Hawaii driver's license who is convicted by state authority for some misconduct should be treated differently from such a person convicted for the same misconduct by federal authority.

Your Committee has made a technical amendment, changing the reference at page 1, line 1, of this bill from "Chapter 286" to "Section 286-122", Hawaii Revised Statutes.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 749, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 749, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 743      Transportation on S.B. No. 1105

The purpose of this bill is to permit motorcycles which are authorized on controlled-access roadways or highways to use designated carpool lanes on such roadways or highways.

The federal Surface Transportation Assistance Act of 1982 prohibits the appropriation of federal highway funds to states which do not allow motorcycles to use carpool lanes except when such use would create a safety hazard. This bill would help to conform state statutes to this newly passed federal law and help ensure the continued receipt of federal highway monies.

In response to testimony by the Department of Transportation, your Committee amended this bill by clarifying that high-occupancy vehicle (HOV) contra-flow lanes of a highway or roadway would continue to be closed to motorcycle use in the interest of safety and the efficient movement of traffic. Your Committee also made grammatical, spelling, and syntax changes which have no substantive effect.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 1105, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1105, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 744 Agriculture and State General Planning on S.B. No. 993

The purpose of this bill is to allow an owner of Class A or B agricultural lands to cultivate crops for personal or economic use.

Presently, the law permits cultivation of crops for economic use, however, the law has been construed to prohibit cultivation of crops for personal use.

Your Committees find that, with the high cost of living, an owner should be able to use Class A or B rated agricultural lands for personal agricultural pursuits as well as for commercial ventures.

Your Committees have adopted the recommendation of the Chairman of the Board of Agriculture to clearly indicate that personal use of the land, in addition to commercial ventures, is for agricultural pursuits by amending the bill as follows:

- (1) Page 1, line 10, delete "for economic and personal use;" and substitute the following phrase "for commercial and personal agricultural use;".
- (2) Page 2, lines 1 and 2, change language to read as follows "life that are propagated for [economic or personal use;] commercial or personal agricultural use;".

Your Committees on Agriculture and State General Planning are in accord with the intent and purpose of S.B. No. 993, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 993, H.D. 1 and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Tom.

SCRep. 745 Housing on S.B. No. 254

The purpose of the bill is to amend section 359-62, Hawaii Revised Statutes, to allow unrelated elderly persons to share housing accommodations in an elderly housing project of the Hawaii housing authority.

Under the current statute for projects developed under chapter 359, part III, Hawaii Revised Statutes, the Authority may accept only elderly tenants who are either married, members of the same family, or tenants who serve as companions to elderly tenants who are ill or disabled. The tenancy of a companion renter ceases upon the recovery of or removal of the elderly person from the project.

To date, no elderly housing projects have been developed under part III due to a lack of funds, thus, the provisions of section 359-62, Hawaii Revised Statutes, have not yet been applied by the Authority. However, since current rules relevant to other non-elderly housing projects developed by the Authority do not prohibit unrelated elderly persons from occupying the same unit, this amendment will provide consistency in the Authority's tenant selection procedures and policies.

Your Committee on Housing is in accord with the intent and purpose of S.B. No. 254, 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. 746 Health on H.R. No. 348

The purpose of this resolution is to request the Governor of the State of Hawaii to proclaim March, 1983 Hemophilia Month in Hawaii.

Hemophilia is a genetic blood disorder that can lead to crippling and even death. Your Committee recognizes the importance of the work accomplished by the national and state Hemophilia Foundations. Your Committee finds that the state organization, which is affiliated with the national foundation, provides vital support and assistance to hemophiliacs in Hawaii. For example, medical and surgical insurance for hemophiliacs is extremely limited but the foundation offers financial assistance for treatments, which can range in cost from \$6,000 to \$30,000 per year per person.



Your Committee also finds that March, 1983 has been proclaimed Hemophilia Month nationally and believes that such recognition should extend to the state level.

Your Committee on Health concurs with the intent and purpose of H.R. No. 348 and recommends its adoption.

Signed by all members of the Committee except Representative Hagino.

SCRep. 747 Health on H.C.R. No. 140

The purpose of this concurrent resolution is to request the Governor of the State of Hawaii to proclaim March, 1983 Hemophilia Month in Hawaii.

Hemophilia is a genetic blood disorder than can lead to crippling and even death. Your Committee recognizes the importance of the work accomplished by the national and state Hemophilia Foundations. Your Committee finds that the state organization, which is affiliated with the national foundation, provides vital support and assistance to hemophiliacs in Hawaii. For example, medical and surgical insurance for hemophiliacs is extremely limited but the foundation offers financial assistance for treatments, which can range in cost from \$6,000 to \$30,000 per year per person.

Your Committee also finds that March, 1983 has been proclaimed Hemophilia Month nationally and believes that such recognition should extend to the state level.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 140 and recommends its adoption.

Signed by all members of the Committee except Representative Hagino.

SCRep. 748 Energy, Ecology and Environmental Protection on H.R. No. 43

The purpose of this resolution is to request a review of the potential effects of geothermal energy development on residents and the environment.

Your Committee finds that geothermal development may be a major step toward freeing the State from dependence on imported oil. Geothermal development could foster the establishment of various industries such as aquaculture, fruit processing, wood processing, paper manufacturing, and manganese nodule processing.

However, your Committee finds that the potential effects of geothermal development such as air, water, and noise pollution as well as damage to rare native flora and fauna must be adequately considered before large scale development and cumulative impacts occur. Your Committee finds that there is an urgent need to review the potential socio-economic and environmental impacts that may occur as a result of geothermal development.

Your Committee has amended this Resolution by requesting that this study be submitted to the Legislature twenty days prior to the convening of the Regular Session of 1984.

Your Committee on Energy, Ecology, and Environmental Protection concurs with the intent and purpose of H.R. No. 43, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 43, H.D. 1.

Signed by all members of the Committee.

SCRep. 749 Energy, Ecology and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs on H.R. No. 45

The purpose of this resolution is to request a review of the Hawaii Coastal Zone Management (CZM) Program.

Your Committees find that Act 164-73 authorized the Department of Planning and Economic Development to prepare a plan for the management of Hawaii's coastal zone in conformance with the requirements of the Federal Coastal Zone Management Act. The objectives of the Hawaii CZM program include provisions for the protection of recreational activities, historic resources, scenic and open space areas, and

coastal ecosystems. Thus far, accomplishments of the program include erosion research, public access planning, cultural resource mapping, environmental baseline monitoring for energy facility siting, and the development of a computerized system of permit monitoring.

Your Committees further find that the Hawaii CZM program has contributed to increased government efficiency and planning and management capabilities through improved interagency communication, permit simplification, and increased enforcement of regulations. However, despite its many positive benefits, the future of the Hawaii CZM program remains in jeopardy due to the uncertain status of federal funding. Consequently, your Committees find that this is an opportune time to review the accomplishments and future plans of the Hawaii CZM program.

Your Committees have amended this resolution to request that this review be submitted twenty days prior to the convening of the Regular Session of 1984.

Your Committee on Energy, Ecology, and Environmental Protection and your Committee on Water, Land Use, Development, and Hawaiian Affairs concur with the intent and purpose of H.R. No. 45, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 45, H.D. 1.

Signed by all members of the Committees.

SCRep. 750      Energy, Ecology and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs on H.R. No. 46

The purpose of this resolution is to request the House Committee on Energy, Ecology, and Environmental Protection to conduct an examination of the status of the State's Water Quality Program.

Your Committees find that in 1972, amendments to the Federal Clean Water Act required the development and implementation of a plan to minimize water pollution. Subsequently, the Department of Health completed this requirement.

Your Committees further find that Hawaii has joined several states in requesting a waiver of the federal requirement that primary sewage treatment plants be converted to the secondary sewage treatment stage by the mid-1980's. Until the federal authorities respond to the State's petition, a prudent approach to protecting Hawaii's water quality is to examine alternatives should the State's petition be eventually denied. Therefore, your Committees find that there is a need to examine the current status of Hawaii's existing Water Quality Plan.

Your Committees have amended this resolution by extending the requested date of submittal of this review to "not less than twenty days prior to the convening of the Regular Session of 1984."

Your Committees on Energy, Ecology, and Environmental Protection and Water, Land Use, Development, and Hawaiian Affairs concur with the intent and purpose of H.R. No. 46, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 46, H.D. 1.

Signed by all members of the Committees.

SCRep. 751      Public Employment and Government Operations on H.R. No. 66

The purpose of this resolution is to request the extension of job sharing to all State departments by the Department of Personnel Service.

This resolution is based on the findings of a three-year job sharing pilot project in the Department of Education.

According to testimony, job sharing would provide jobs for people not willing or able to work full time and at the same time open up jobs for other individuals.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 66 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 752 Transportation on H.R. No. 183

The purpose of this resolution is to request the Federal Aviation Agency to select Honolulu International Airport as a site to test the Time Reference Scanning Beam Microwave Landing System (TRSB MLS) in conjunction with its current instrument landing system.

Your Committee finds that such a system may be valuable in improving the safety and efficiency of air traffic control at Honolulu International Airport.

Your Committee has amended the resolution by deleting the third "whereas" paragraph because it was deemed not necessary for the purpose of the resolution. Your Committee also made a technical, nonsubstantive amendment.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 183 as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 183, H.D. 1.

Signed by all members of the Committee.

SCRep. 753 Education on H.R. No. 337

The purpose of this resolution is to address the problem of excessive administrative paperwork requirements in the Department of Education and to seek solutions to simplify reporting procedures for teachers.

Your Committee finds that the increased paperwork for teachers due to expanding administrative demands and cutbacks in administrative personnel to process forms, has detracted from the time which could be devoted to tasks like lesson preparation and correction of homework. The lack of uniformity in the department's registration and administration procedures has further contributed to the problem. Your Committee believes that simplifying procedures and requiring uniformity would reduce the redundancy at the district and state levels. Your Committee finds that the department's failure to develop corrective measures has contributed to the current lack of accountability and has contributed to unnecessary administrative reporting for the teachers.

Your Committee has amended the resolution to expand membership in the voluntary study group to include school registrars. Your Committee has also inserted a new paragraph to read as follows: "BE IT FURTHER RESOLVED that the department conducts this study on the district levels and then coordinates results on the state level to establish uniformity, eliminating current district and state level redundancy."

Your Committee on Education concurs with the intent and purpose of H.R. No. 337, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 337, H.D. 1.

Signed by all members of the Committee.

SCRep. 754 Education on H.R. No. 171

The purpose of this resolution is to establish a program in the elementary schools which would utilize volunteer senior citizens in the language arts classes as tutors and resource persons for students in need of special one-to-one care.

Your Committee agrees that senior citizens, elementary students and teachers would benefit from such a program. Since reading skills are essential to learning, senior citizens providing one-to-one tutoring would facilitate the learning process of students with special needs. This program would also lessen the teaching burdens by having an available resource person to rely on.

Your Committee has amended the resolution by inserting the phrase "and guidelines" in the first BE IT FURTHER RESOLVED clause, so that the Department of Education can establish direction, structure and a basic plan for implementation of this program. Your Committee feels that this would provide a means for examining the progress and objectives that are being sought by this program. Your Committee also made technical, nonsubstantive amendments.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 171, as amended herein, and recommends that it be referred to the Committee on Finance,

in the form attached hereto as H.R. No. 171, H.D. 1.

Signed by all members of the Committee.

SCRep. 755 Education on H.R. No. 339

The purpose of this resolution is to request the House Committee on Education to review staffing, foundation staffing and course offerings in large and small schools to assure that all of Hawaii's students are receiving quality education.

Testimony supporting the resolution was submitted by the Department of Education and students of neighbor island schools. Your Committee was informed that some of Hawaii's small schools do not have courses in foreign languages, advanced physical education, general metals and mechanical drawing.

Your Committee amended the resolution to request the Department of Education to conduct the review, and to report its progress to the Legislature ten days prior to the adjournment of the 1983 session and to submit a final report prior to the convening of the Regular Session of 1984.

Your Committee on Education concurs with the intent and purpose of H.R. No. 339, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 339, H.D. 1.

Signed by all members of the Committee.

SCRep. 756 Judiciary on S.B. No. 255

The purpose of this bill is to require a person arriving in the State, who brings with him or causes to bring into the State a firearm, to register the firearm within 48 hours.

Under present law, a person arriving in the State who brings a firearm with him, shall register the firearm within 48 hours. However, present law does not address the situation where the firearm arrives separately from the owner.

Your Committee amended this bill to require registration of the firearm within 48 hours of the arrival of the person or the firearm whichever arrives later. Your Committee has also made technical, nonsubstantive amendments to the bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 255, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 255, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 757 Judiciary on S.B. No. 915

The purpose of this bill is to amend Section 701-108, Hawaii Revised Statutes, to conform to the 1982 amendment to Article I, Section 10, of the Hawaii State Constitution by specifying that prosecution may be commenced upon the filing of a complaint.

Your Committee finds that under the new procedure promulgated by the Supreme Court, a complaint rather than an information will be the charging document following the preliminary hearing. The amendment recognizes this procedure.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 915 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 758 Higher Education and the Arts on S.B. No. 194

The purpose of this bill is to amend Section 314-8 of the Hawaii Revised Statutes to enable the Hawaii Public Broadcasting Authority to make, amend, and repeal rules and regulations needed in the conduct of its operations.

Your Committee heard testimony from the Hawaii Public Broadcasting Authority that during the conversion of the Authority's rules to the Ramseyer system, it was found that unlike other divisions of the Department of Commerce and Consumer Affairs, there were no specific provisions for rule making in the statute which establishes the Authority. This bill will allow the Authority to make its own rules and regulations in accordance with chapter 91.

Your Committee on Higher Education and the Arts is in accord with the intent and purpose of S.B. No. 194, 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. 759 Energy, Ecology and Environmental Protection on H.R. No. 47

The purpose of this Resolution is to request the Director of Planning and Economic Development to develop a plan for the provision of essential public services during an oil shortage.

Your Committee finds that Hawaii depends on imported petroleum for 91.4 per cent of its energy supplies. This situation, coupled with Hawaii's geographic isolation, makes this State especially vulnerable to a cut-off in supply.

Therefore, your Committee finds that the formulation of a contingency plan which would insure the continuation of essential services and basic economic operations in the event of a disruption in the oil supply is necessary in order to protect the public's health, safety and welfare. Your Committee further finds that the Director of Planning and Economic Development, in his capacity as the State Energy Resources Coordinator, would be the most appropriate authority to address this issue properly.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.R. No. 47, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 760 Energy, Ecology and Environmental Protection on H.C.R. No. 20

The purpose of this Concurrent Resolution is to request the Director of Planning and Economic Development to develop a plan for the provision of essential public services during an oil shortage.

Your Committee finds that Hawaii depends on imported petroleum for 91.4 per cent of its energy supplies. This situation, coupled with Hawaii's geographic isolation, makes this State especially vulnerable to a cut-off in supply.

Therefore, your Committee finds that the formulation of a contingency plan which would insure the continuation of essential services and basic economic operations in the event of a disruption in the oil supply is necessary in order to protect the public's health, safety and welfare. Your Committee further finds that the Director of Planning and Economic Development, in his capacity as the State Energy Resources Coordinator, would be the most appropriate authority to address this issue properly.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.C.R. No. 20, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 761 Energy, Ecology and Environmental Protection on H.R. No. 296

The purpose of this Resolution is to request the Office of the Legislative Reference Bureau to conduct a study to determine an individual's right to sunlight, and the implications of implementing alternative methods of assuring the individual's right to solar access.

Your Committee finds that an estimated 23,000 households in Hawaii currently utilize solar energy to heat water. Several incidents have arisen regarding one's rights to

solar access versus the rights of another individual to develop one's property.

Your Committee finds that the State Circuit Court ruled that common law does not protect an individual's right to solar access. This conflict between solar access and development rights presents sensitive and complex issues which could affect the planning and development of our State.

Your Committee has amended this Resolution by recognizing the potential for large buildings that overshadow existing structures to interfere with an individual's "solar rights".

Your Committee on Energy, Ecology, and Environmental Protection concurs with the intent and purpose of H.R. No. 296, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 296, H.D. 1.

Signed by all members of the Committee.

SCRep. 762      Human Services on H.R. No. 267

The purpose of this resolution is to request the Department of Social Services and Housing to conduct a study of alternative means to raise the living standard of federal Supplemental Security Income recipients without risking their eligibility for other federal or state benefits.

Your Committee finds that bills to increase the amount of the state supplement have been considered, but have not been passed. One of the major reasons cited in opposition of the increase is that the recipients' federal supplement would be reduced or the recipient would be ineligible for federal food stamps and housing assistance if their income levels are increased by the state supplement.

However, your Committee agrees that the state must seek alternatives to assist recipients on Supplemental Security Income. The Department is in agreement with this resolution.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 267 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 763      Human Services and Public Employment and Government Operations  
on H.R. No. 270

The purpose of this resolution is to request the Department of Social Services and Housing (DSSH) to study the feasibility of combining supply purchases of the State and private long-term care providers in order to reduce unit costs through volume purchasing.

Your Committees find that because long-term care facilities service a high volume of Medicaid recipients, most of their reimbursable cost comes from the Medicaid program. Thus, planned cutbacks in Medicaid reimbursement have significant deleterious impacts on these facilities, forcing them to search for ways to reduce their expenses in order to remain viable financially. One option which could allow tremendous cost savings for these facilities is group purchasing with the State, so that they may be able to realize savings in purchasing their supplies at reduced unit costs. Your Committees realize that there are a number of logistical and legal issues to be settled before such a plan could be implemented, and therefore find that a study should be performed to assess its feasibility.

Your Committees heard testimony from DSSH recommending that the following issues be included in the study:

- (1) The constitutional issue of State funds being used for supporting private interest;
- (2) The creation of monopoly and the risk of anti-trust by the coalition of State and private interests to lower price;
- (3) The liability to the State in the event of default by a private enterprise;

(4) The sharing of bonding requirements between the State and private firms;  
and

(5) The review of Chapter 103, Hawaii Revised Statutes, Expenditures of Public Money and Public Contract and Chapter 106-11 to 15, Purchase of Supplies and Equipment for State.

Your Committees have amended the resolution accordingly.

Your Committees heard further testimony from both DSSH and the Department of Health recommending that the Department of Accounting and General Services (DAGS) be consulted in the performance of this study. Your Committees concur and have amended the resolution to require input from both DAGS and the Attorney General.

Your Committees on Human Services and Public Employment and Government Operations concur with the intent and purpose of H.R. No. 270, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 270, H.D. 1.

Signed by all members of the Committees.

SCRep. 764 Judiciary on S.B. No. 79 (Majority)

The purpose of this bill is to amend Section 612-6, Hawaii Revised Statutes, by deleting all exemptions from civil or criminal jury duty, except those persons who served as jurors in a state or federal court within the preceeding year.

Your Committee has heard testimony from the Judiciary recommending that judges and lawyers be exempted from jury duty based on the study of the Hawaii jury system prepared for the Judiciary by the National Center for State Courts.

Your Committee has accordingly amended the bill to retain Federal or State judges and lawyers as persons exempted from jury duty and by deleting the exemption for those persons who have served as jurors in any court within the preceeding year.

Your Committee has made technical, nonsubstantive amendments for the purpose of clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 79, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 79, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 765 Public Employment and Government Operations on S.B. No. 343

The purpose of this bill is to amend Section 77-13.5(c), HRS, by providing exclusive representatives of certain bargaining units on extension to negotiate a model conversion plan before June 30, 1983.

According to testimony, employers and the union representatives have yet to negotiate model conversion plans for white collar nonsupervisory and supervisory employees, professional employees, and scientific employees.

It was discussed that a further extension from June 30, 1983 to December 31, 1983 be granted to negotiate model conversion plans due to the fact that the employer and employee representatives are still in negotiation. Your Committee is in agreement to amend this bill to extend the deadline to December 31, 1983 and thus give sufficient time for a union to complete its work towards a conversion plan.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 343, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 343, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

## SCRep. 766 Consumer Protection and Commerce on S.B. No. 181

The purpose of this bill is to update and clarify the Nursing Home Administrators Act, delete references to gender and indefinite modifiers used within the context of the Act, remove an outdated section, and delete the requirement of "good character and are otherwise suitable" as a condition for granting an individual a license as a nursing home administrator.

Your Committee received favorable testimony from the Board of Examiners of Nursing Home Administrators.

Nonsubstantive amendments have been made to utilize correct Ramseyer bill drafting format.

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

Signed by all members of the Committee.

## SCRep. 767 Consumer Protection and Commerce on S.B. No. 182

The purpose of this bill is to delete the statutory requirement for the Board of Dispensing Opticians to submit an annual report to the Governor.

The Board is currently required to present a detailed statement of its acts, proceedings, and recommendations to the Governor through the Director of the Department of Commerce and Consumer Affairs. The Board of Dispensing Opticians stated in its testimony that there is immediate availability to the Board's records should the Governor need access to them, and thus the additional requirement for an annual report is not necessary.

The bill also reflects the departmental title change made in 1982 when the Department of Regulatory Agencies became the Department of Commerce and Consumer Affairs.

Your Committee has amended this bill to correct for language deleted in bill drafting.

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

Signed by all members of the Committee.

## SCRep. 768 Consumer Protection and Commerce on S.B. No. 176

The purpose of this bill was to clarify the experience requirement for motion picture operators and to add minimum work or experience qualifications for maintenance electricians.

Presently, motion picture operator licensing applicants are required to have one year of experience. Testimony from the Board of Electricians and Plumbers indicated problems with applicants trying to circumvent the intent of the Board by fulfilling this requirement with one year of part-time work. This bill adds the word "full-time" to the experience requirement to clarify the intent of the Board.

Presently, an applicant for a maintenance electrician designation need only be eighteen years of age. The Board of Electricians and Plumbers indicates that a minimum training or schooling requirement is necessary to insure an applicant's working knowledge of the electrical trade.

The bill requires maintenance electrician applicants to have at least one year of experience in performing electrical maintenance work or proof of two years of schooling in the electrical trade.

Finally, the bill repeals Section 448E-14, Hawaii Revised Statutes, relating to county licenses for electricians, plumbers, and motion picture operators. This section is anachronistic and has served its purpose of transferring the regulatory functions over electricians, plumbers, and motion picture operators from the counties to the State.



On March 2, 1983, the House of Representatives passed H.B. No. 657 deleting motion picture operators from regulation by the Board of Electricians and Plumbers. Accordingly, your Committee has amended this bill to delete references to motion picture operators conditioned upon H.B. No. 657, or its equivalent, becoming law.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 176, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 176, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 769 Consumer Protection and Commerce on S.B. No. 711

The purpose of this bill is to amend the law on psychologists to substitute a "license" for a "certificate", require an applicant for a psychologist's license to be "professionally competent" and have "demonstrated knowledge in the practice of psychology" instead of being "of good moral character", permit the board of certification of practicing psychologists to place a license or license holder on conditional probation, and delete specific gender references.

The Board of Certification of Practicing Psychologists testified in support of this bill.

Your Committee has made numerous nonsubstantive amendments to correct bill drafting errors and for clarity and consistency.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 711, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 711, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 770 Consumer Protection and Commerce on S.B. No. 177

The purpose of this bill is to amend Chapter 453, Hawaii Revised Statutes, to remove references to gender, change references to the Department of Regulatory Agencies to the Department of Commerce and Consumer Affairs, repeal section 453-3.1 which is an anachronistic section to allow a practitioner licensed in another jurisdiction and who is an expert in hyperbaric medicine to practice hyperbaric medicine only in Hawaii, delete the "good character" requirement for obtaining a license, and make technical changes which have no substantive effect.

Supporting testimony was provided by the Board of Medical Examiners. Your Committee has made numerous amendments in bill drafting style to delete unnecessary inclusions of statutes and reorganize the bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 177, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 177, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 771 Finance on S.B. No. 1294

The purpose of this bill is to amend sections 24-2 and 24-3, Hawaii Revised Statutes, relating respectively to allowances for non-Oahu legislators during session and allowances for expenses while traveling within the State on official legislative business during a session.

The bill changes the additional allowance for non-Oahu legislators from \$20 to an amount equal to the maximum allowance for such expenses payable to any public officer or employee for inter-island travel and specifies that the allowance will include all personal expenses other than travel expenses.

Your Committee has amended this bill by deleting the second paragraph of section 24-3,

Hawaii Revised Statutes, which currently provides for travel allowances for non-Oahu legislators during the legislative session. Given the increased allowances for these legislators provided in section 1 of this bill, your Committee believes that any additional allowance for intra-state travel during the legislative session is unwarranted.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1294, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1294, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 772 Finance on S.B. No. 1292

The purpose of this bill is to make an emergency appropriation for the payment of settlement of the Holo Holo cases.

The bill provides for an appropriation of \$1,500,000 to pay the State's contribution toward the settlement of the cases.

This measure is recommended for immediate passage pursuant to Section 9, Article VII of the State Constitution, by letter of the Governor dated February 16, 1983.

The Holo Holo cases were settled for a total amount in excess of \$3,000,000. Four sources contributed towards the payment of the claims of eight plaintiffs; those sources were the State of Hawaii, the Research Corporation, University of Hawaii, the University of California and an insurance company on behalf of one of the plaintiffs.

Approval of the request will constitute a full and final settlement of all claims brought by the plaintiffs against the State.

Your Committee has amended the bill to change the lapsing date to June 30, 1983.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1292, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1292, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 773 Finance on S.B. No. 30

The purpose of this bill is to provide information to assist the department of taxation in enforcing the collection of general excise taxes.

It has long been thought that the State is losing large amounts of revenues due to out-of-state owners of real property failing to pay general excise taxes on rents collected. Testimony by the director of taxation indicates that the department has collected \$200,000 in revenues during the last year through the tedious process of going apartment-to-apartment and finding out who the owner was, then checking back through departmental records and private records to determine if the owner has paid the general excise taxes due, and then to collect such taxes. This bill will assist the department in collecting the taxes due on rental of real property by providing it with rent collection information. This bill requires that a copy of the first page of a rental agreement be filed with the department or, in lieu of these rental agreements, federal tax form 1099 may be filed. Where there is an oral rent collection agreement, notification by an in-state rental collection agency is required. The information furnished to the department will include the name and address of the owner and the address of the place being rented or, in the case of the federal form, the name and address of the person owner and the amount of rents collected. In addition, the bill requires oral notification or the written agreement to notify the owner of the rental property that the information required by the bill is being furnished to the department of taxation and that the owner must pay general excise taxes on the rents collected. Such notification in itself will greatly increase the collection of taxes through voluntary taxpayer compliance.

Your Committee finds that the enactment of this bill will bring to the State appreciable amounts of revenues.

Your Committee has amended this bill to provide clearly that it applies both to written

and oral contracts and to specify the notification that must be given owners of rental property. Further, your Committee has amended this bill to delete the requirement that the owner's general excise tax license number be included on the forms filed with the tax department. Finally, your Committee has required the filing of the information required by the bill and notification be made ninety days after its effective date in order to obtain information concerning ongoing agreements.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 30, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 30, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 774 Consumer Protection and Commerce on S.B. No. 184

The purpose of this bill was to delete references to gender and indefinite modifiers and to correct differences between the designations of osteopathic physician and osteopathic physician and surgeon.

Presently, the State for licensing purposes uses the designation "D.O.S." for a person who is an osteopathic physician and surgeon, and "D.O." for a person who is an osteopathic physician. However, the official designation for a doctor of osteopathy is "D.O." and should be used when referring to the profession in general.

Support for the bill was received from the Board of Osteopathic Examiners.

Your Committee has made nonsubstantive amendments to correct typographical errors and for clarity.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 184, S.D. 1 as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 184, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 775 Judiciary on S.B. No. 1186

The purpose of this bill is to amend section 571-14 of the Hawaii Revised Statutes to provide that the Family Court has jurisdiction over all domestic abuse proceedings initiated under Chapter 586, Hawaii Revised Statutes, to include proceedings for a violation of a domestic abuse order.

Your Committee has heard testimony in support of this bill from the Family Court stating that it is proper for the court issuing the order to adjudicate any violations of the order. Presently Chapter 586 authorizes the Family Court to hear proceedings for the issuance and extension of domestic abuse protective orders, but the Chapter does not specify that the court is authorized to hear proceedings involving violations of the orders.

Your Committee has made technical, nonsubstantive amendments to this bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1186, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1186, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 776 Judiciary on S.B. No. 569

The purpose of this bill is to require that forensic examiners arrive at their conclusions in sanity examinations independently from the other examiners, unless there is a showing of a clear need for communication between or among the examiners which communication shall be included in their report. This bill will also enable examiners access to all existing medical, social, police and juvenile records, including those expunged, and other pertinent records in the custody of public agencies.

Your Committee finds that the accuracy and objectivity of sanity examinations will be enhanced by requiring examiners to arrive at their conclusions independently. Your Committee also recognizes that there is a need for access to a wide range of data in order to assist examiners in producing valid and reliable conclusions.

Your Committee has amended the bill by requiring that medical, social, police and juvenile records and other pertinent records in the custody of public agencies shall be made available to the examiners through the court.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 569, S.D. 1, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 569, S.D. 1, H.D. 1, as amended herein, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 777      Judiciary on S.B. No. 80

The purpose of this bill is to enable the Family Court to release the identity of a juvenile law violator to the victim when the victim intends to file a civil action for loss or damage caused by the juvenile. The bill also requires that release of the information shall be upon written application to the court stating the intent to file a civil action and the date, time, place, and nature of the loss or damage, if known. When the juvenile's identity has been released, the bill also requires that the court shall also notify the juvenile, the parents or custodian of the juvenile, and the attorney of the juvenile.

Your Committee has heard testimony from the Family Court in support of the bill.

Your Committee has amended the bill by amending section 571-84 of the Hawaii Revised Statutes pertaining to Family Court records by adding a new subsection thereto. Your Committee feels that this will provide more clarity rather than adding a new section to chapter 571.

Your Committee has further amended the bill by deleting the requirement that the court shall also notify the juvenile, the parents or custodian of the juvenile, and the attorney of the juvenile when the juvenile's identify has been released. Your Committee has also made technical, nonsubstantive amendments to the bill for purpose of consistency.

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

Signed by all members of the Committee.

SCRep. 778      Transportation and Consumer Protection and Commerce on S.B. No. 525

The purpose of this bill is to change the law respecting the person or persons who must sign a minor's application for a driver's license or instruction permit.

This bill, as received by your Committees, provides that a minor's application for a driver's license or instruction permit must be signed by one of the following: 1) both the father and mother of the applicant, if both are living and have custody of the applicant; 2) the surviving parent; 3) the divorced parent with custody; 4) the guardian with custody; 5) any employer of the applicant; or 6) any responsible person willing to assume the obligations imposed by the motor vehicle driver licensing laws. This bill also would remove the requirement imposed by Section 286-112(c), Hawaii Revised Statutes, that the examiner of drivers may accept the application of a minor when signed by one parent or guardian only if the minor deposits or there is deposited on the minor's behalf proof of financial responsibility.

Your Committees received testimony from the Department of Transportation stating that the proof of financial responsibility requirement of Section 286-112(c) places single parents of minor applicants in the same category as drivers with poor driving records who are dealt with in Chapter 287, the Motor Vehicle Safety Responsibility Act.

Your Committees find that the disparate treatment of minors with one custodial adult vis-a-vis minors with two custodial adults serves no legitimate purpose. Furthermore, your Committees find that placing single custodial adults in the same category as persons

with poor driving records is unfair. Therefore your Committees support the intent of S.B. No. 525.

However, your Committees have amended page 1, lines 14-16 and page 2, lines 1-6 of this bill to create a tiered system with respect to the adults who must sign a minor's application in order for the minor to obtain a driver's license or instruction permit. Under this amendment, if the minor applicant has two custodial parents, both must sign the application. If the applicant has only one custodial parent, that parent must sign the application. If the applicant has no custodial parent but has a custodial guardian or has custodial guardians, such guardian or guardians must sign the application. If the applicant has no custodial parent or guardian, either an employer of the applicant or a responsible person willing to accept responsibility may sign the application.

Your Committees on Transportation and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 525, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 525, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 779      Transportation and Education on S.B. No. 1057

The purpose of this bill is to delete the present statutory requirement that any applicant for a driver education instructor's license or a driver training school operator's license be certified by the Department of Education.

Your Committees received testimony from the Department of Education in support of the bill stating that Section 286-91, Hawaii Revised Statutes, inappropriately requires the Department of Education to certify all driver training instructors and schools. Your Committees believe that the Department of Education should only place certification requirements on those instructors and driver training schools involved in the driver education programs of the public schools. Your Committees therefore concur with the purpose of this bill.

Your Committees acknowledge the concern that the bill would remove all certification requirements for driver training instructors and schools. However, your Committees find that for most people, driver training is obtained from parents, relatives, or friends without the aid of certified instructors or schools, and that such training has proven to be satisfactory. Fundamentally, driving is not a highly specialized skill requiring expert technical instruction. Since driving instructors are required by law to be licensed drivers, it may be reasonably assumed that they are familiar with the rules of the road and have mastered the technique of operating a motor vehicle. Along with patience and other personality factors, these would constitute the primary qualifications for driving instructors, qualifications which can be and are presently satisfied without the imposition of a mandatory certification process.

Your Committees have amended the bill to make several technical, nonsubstantive amendments.

Your Committees on Transportation and Education concur with the intent and purpose of S.B. No. 1057, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1057, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 780      Consumer Protection and Commerce and Transportation on S.B. No. 742

The purpose of S.B. No. 742, S.D. 2, as received by your Committees, is (1) to simplify the requirements for the deeming of a vehicle to be a derelict; (2) to require that prior to the private sale of vehicles left unattended on public or private property and abandoned, the owner of the towing company which tows the vehicle or the owner's authorized representative must obtain an independent appraisal of the vehicle and that the vehicle's final sales price must be approximately the appraised value; and (3) to require that prior to the private sale of vehicles abandoned on the premises of a motor vehicle repair business, the owner of the business or the owner's authorized representative must obtain an independent appraisal of the vehicle and that the vehicle's final sales price must be approximately the appraised value.

Your Committees received testimony that the present requirements for deeming a vehicle a derelict are too stringent to permit expeditious handling of obviously derelict vehicles. Presently, unless vehicle identification numbers, license plates, and other means of identification have been removed from a vehicle, an extensive search of vehicle registration records may be necessary to locate the last registered or legal owner of the vehicle.

This bill would permit a vehicle to be deemed a derelict if major parts have been removed so as to render the vehicle inoperative so long as one of the following other conditions is met: (1) the vehicle is currently registered but the registered and legal owners no longer reside at the address of record; (2) the vehicle is registered for the current or previous year and the registered and legal owners disclaim ownership; (3) the vehicle identification number and license plates have been removed; (4) the vehicle has not been registered for the past two registration periods; or (5) the county has no record of the vehicle's registration. The appropriate county's police chief would be notified prior to the removal of a derelict vehicle. Your Committees find that these requirements are reasonable to both vehicle owners and the counties.

Your Committees received testimony that the requirement of an independent appraisal prior to the private sale of vehicles is time consuming and expensive and that there are relatively few abuses of the present system. Your Committees were also concerned that the bill provides no guidelines to aid in determining when a vehicle's sales price is "approximately" the amount noted in an independent appraisal. Therefore, your Committees have amended S.B. No. 742, S.D. 2, by deleting Sections 2 and 3 thereof and by accordingly renumbering subsequent sections.

In the interest of consistency throughout the bill, your Committees amended the word "year" at page 2, lines 9 and 14 of the bill to read "registration period". Your Committees have also made stylistic and grammatical amendments to the bill.

Your Committees on Consumer Protection and Commerce and Transportation are in accord with the intent and purpose of S.B. No. 742, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 742, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 781 Water, Land Use, Development and Hawaiian Affairs on S.B. No. 756

The purpose of this bill is to amend Section 201-3, Hawaii Revised Statutes, by allowing the Department of Planning and Economic Development to issue permits to film makers for the temporary occupancy and use of public lands and properties, for a fee to be determined by the Department.

Commercial film making is a desirable industry for Hawaii. Not only is it environmentally compatible with the interests of this State, it also promotes tourism by advertising the natural beauty and cultural diversity of Hawaii and generates income and employment for the State's economy. According to the Producers Association of Hawaii, a basic network commercial shot in Hawaii expends more money in five days than do 1,300 American tourists (Hawaii Visitors Bureau 1981 figures). The average television episode expends more in five days than do 5,300 American tourists (Hawaii Film Office, 1982). The average feature film expends more in five days than do 16,700 American tourists. If Hawaii were to attract just two per cent of the film production expenditures in the United States, the State would have a \$300-million-a-year production industry. Through the multiplier effect, this sum would create millions of dollars more for our State's economy, create hundreds of new jobs, and provide ancillary benefits from advertising and promotion. Attracting U.S. mainland and foreign film makers to Hawaii is, therefore, especially desirable.

Your Committee finds, however, that the current system of obtaining film making permits in Hawaii is a disincentive to the producers and production companies wishing to practice film making in Hawaii. Many variables, such as undesirable weather conditions, can cause delays in or warrant a relocation of film making activities. This creates the problem of having to obtain new permits from the appropriate agencies. The permit process itself causes additional delays, which add to the cost of film production and advertising and, in turn, increases the price of goods and services.

Your Committee believes that a centralized, single-permit system would simplify the permit process and thereby encourage the motion picture and television industry in Hawaii. Under this bill, the Department of Planning and Economic Development

would be allowed to issue permits to film makers on a week-to-week basis, and on a day-to-day basis thereafter. Your Committee notes, however, that the bill provides that, prior to such issuance, the Department would have to coordinate with appropriate State agencies to ensure that other State interests, such as the protection of the environment, would be considered.

Your Committee further believes that the Department of Planning and Economic Development is the most appropriate State agency to coordinate the permit process. The Hawaii Film Office, which is within the Department, is responsible for attracting and promoting the film making industry in Hawaii and, as such, could carry out the provisions of the permit service. This service would provide a clear signal to the worldwide filming industry that Hawaii is sincere in its efforts to attract new business.

Your Committee has amended the bill to limit the period during which this permit process would be in effect: a one-year period. It is the intent of your Committee that, during that period, all interested parties in the film permit process engage in good faith discussions to find solutions to the obvious problems facing State agencies as well as the film making industry in Hawaii. For example, it may be possible for each agency having jurisdiction over State lands to set conditions or guidelines to govern the extension of permits already issued and delegate the extension approval or disapproval function to the Hawaii Film Office.

Your Committee is also cognizant of the fact that our Counties are "interested parties" in the permit process. They should also be invited to participate in the endeavor to simplify and expedite the permit issuance and extension process.

Your Committee is informed that there is a need to have a more consistent and well documented fee structure so that interested parties would know in advance the probable cost of permits. In addition, your Committee requests a review of the reasons for the practice of charging the permittee for the time spent by the enforcement officers assigned to monitor the permittee's activities at the filming site.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of S.B. No. 756, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 756, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 782 Finance on S.B. No. 1075

The purpose of this bill is to consolidate the requirements for public utility public hearings, and notices for these public hearings, into one section. These requirements are that: (1) reasonable notice in writing of investigations by the Public Utilities Commission and the subject or subjects to be investigated shall be given to the public utility concerned; (2) any notice shall plainly state rates, fares, charges, classifications, schedules, rules or practices proposed to be established, abandoned, modified, or departed from and the proposed effective date; (3) any public hearing shall be advertised and held on the island on which the utility is situated; and (4) all rates, fares, classifications, charges, and rules of every public utility shall be published by the public utility in such a manner as may be required by the Commission.

Your Committee has made technical, nonsubstantive amendments to this bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1075, 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. 1075, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 783 Finance on S.B. No. 117 (Majority)

The purpose of this bill is to expand the situations wherein members of the National Guard may be ordered to active service by the Governor.

Your Committee is in agreement with this bill which amends Section 121-30, Hawaii Revised Statutes, to authorize the governor to order the National Guard to active service such as protocol assignment, civil defense training exercise, and to provide assistance at numerous special departmental functions. This bill will provide the department

with needed flexibility to place National Guardsmen in state active service for purposes other than war, insurrection, invasion, riot, imminent danger, or for assistance to civil authorities in disaster relief.

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. 117, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 117, H.D. 1.

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

SCRep. 784 Finance on S.B. No. 1062

The purpose of this bill is to provide for the development of high technology enterprises in Hawaii in order to demonstrate Hawaii's commitment to these enterprises:

- (1) By creating a high technology development corporation, assigned to the Department of Planning and Economic Development for administrative purposes, which would have the authority to develop industrial parks for the location of high technology enterprises and to assist in the construction of facilities for such enterprises through the issuance of special purpose revenue bonds, and which would have a governing board composed of public officials and members of the general public who have proven expertise in fields that can assist in the development of high technology enterprise in Hawaii; and
- (2) By creating a Pacific International Center for High Technology Research, attached to the University of Hawaii, which would assist the corporation in its efforts; promote educational, scientific, technological, and literary pursuits in high technology; and provide support for the high technology industry in Hawaii by undertaking a number of educational, training, and other activities involving the United States and other nations.

Your Committee finds that the development of high technology industries in Hawaii is most desirable as a means of diversifying our economy, of creating additional employment opportunities for Hawaii's people, and increasing personal income. Establishment of a public corporation to provide the appropriate infrastructure for the development of this industry and an institute in Hawaii to create opportunities for the international interchange of scientific and technological expertise and knowledge are highly desirable and innovative mechanisms to attract high technology firms to Hawaii.

Your Committee has amended the bill in the following respects:

1. Beginning at line 5 on page 6, the definition of an "industrial park" has been broadened to include research, training, technical analyses, software development, and pilot plant or prototype product development, so that such uses, highly compatible with high technology industrial, processing, or manufacturing enterprises, would not be excluded. Your Committee believes this would be a more realistic approach than authorizing the corporation to develop two types of parks: "industrial" parks and "research and development" parks. The Department of Planning and Economic Development has informed the Committee that State Bond Counsel suggests this approach. Other portions of the bill have been amended to conform with this definition of an industrial park.
2. The Department of Planning and Economic Development expressed concern that a Board of Directors consisting of thirteen members may be overly large. Your Committee concurs that a smaller body would be appropriate. Accordingly, the bill has been amended to provide for a Board of Directors of nine members, of which two are ex-officio members and seven shall be appointed by the Governor. Your Committee has retained the requirement that four of the appointed members shall be private individuals, one from each county.
3. House Draft 1 of the bill would exempt the development corporation from certain county taxes. Your Committee was advised that Constitutional provisions state that all functions, powers, and duties relating to the taxation of real property are to be exercised exclusively by the counties



and that new exemptions may be granted only by agreement of a majority of the counties. The State's action to increase exemption of existing real property may require reimbursement of loss to the county. Your Committee has therefore deleted any reference in the bill with respect to exemption from county taxes.

4. Your Committee has amended Section -15 relating to the high technology research and development fund. In lieu of a standing or continuing appropriation, your Committee has provided for the establishment of a special fund. The development corporation would be authorized to expend funds as may be appropriated in the future, or as may be contributed by non-state sources, which may be used as matching funds under agreements with any state, county, or other organizations.
5. Your Committee has deleted the proposed new subsection 304- (d) which would have appropriated start-up funds needed by the University of Hawaii for the Pacific International Center for High Technology Research. The Department of Planning and Economic Development also testified that \$135,398 in each fiscal year of the next biennium in PED 102 of the Executive Budget were to have been used for staffing and operating the development corporation. To meet the needs of the University and the development corporation, your Committee has added a new Section 5 to provide appropriations for fiscal year 1983-1984 for both the development corporation and the Pacific International Center for High Technology Research.

Other technical and non-substantive changes to the bill have been made by your Committee.

Your Committee is aware that creation of the new Pacific International Center for High Technology Research would require the University of Hawaii to find a suitable site for the Center. Your Committee is in agreement that Kahi O Mohala, the former Marks Estate site, would be a perfect location for the Center. Your Committee strongly urges the Administration to take appropriate action to establish the international center at that location.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1062, 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. 1062, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 785 Finance on S.B. No. 1338

The purpose of this bill is to address concerns expressed by the Legislative Auditor's Sunset Evaluation Report on the Real Estate Commission by amending the Real Estate Brokers and Salesman Law.

Section 1 of the bill deletes the good character requirement for issuance of a real estate license.

Section 2 authorizes the Commission to establish deadlines for submission of license applications. Since 1974, the Commission has had rules establishing deadlines for submission of license and examination applications. The current filing deadline in the rules is ninety days from the date of examination.

Section 3 clarifies the Commission's authority to establish experience guidelines as a prerequisite for taking the written examination.

Section 4 authorizes the Commission to prescribe by rules such other conditions for restoration of a license as it may deem necessary. As a measure to insure the competency of licensees, your Committee agrees that the reexamination or education as a condition of reinstatement helps to ensure that individuals who have forfeited their license have retained at least entry level skills before being reinstated.

Section 5 increases the ceiling amount for recovery from the Real Estate Recovery Fund from \$10,000 to \$20,000 per transaction.

Section 6 allows the department of commerce and consumer affairs to make a special assessment on all licensees at anytime that the minimum balance in the Real Estate Recovery

Fund falls below \$150,000. Additionally, a licensee forfeits his license if the special assessment is not paid within 60 days. The Commission is authorized to impose other penalties of requirements as a condition to reissuance of a license.

Section 7 increases the maximum liability of the Real Estate Recovery Fund from \$40,000 to \$50,000 for any one licensee.

This bill has been amended by deleting a proposed amendment to section 467-17, Hawaii Revised Statutes, which would have raised the minimum balance of the recovery fund which triggers the special assessment. Currently, the department is allowed to make a special assessment only if the fund balance on December 31 is below \$150,000. This bill would allow the department to make the assessment any time the balance falls below the minimum established by statute. This allows the department to act in a timely fashion to insure the solvency of the fund. Since the department would be able to act quickly to keep the fund solvent, increasing the minimum balance which would trigger the assessment is not necessary.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1338, 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. 1338, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 786      Finance on S.B. No. 6

The purpose of this bill is to appropriate \$332,019.81 for the compensation awards made to victims of crimes by the Criminal Injuries Compensation Commission pursuant to Chapter 351, Hawaii Revised Statutes.

Your Committee has concerns in a number of areas, including judgmental nature of "pain and suffering" awards and how best to afford equitable treatment to victims; the payment of death benefits to survivors; culpability as applied to innocent victims; and compensation for crimes against property. Your Committee agrees, however, that these and many other problems relating to the board, its functions, and administration could be best addressed by a comprehensive review of Chapter 351, Hawaii Revised Statutes, rather than through this measure.

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. 6, 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. 6, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 787      Finance on S.B. No. 362

The purpose of this bill is to clarify the types of items subject to seizure and forfeiture when used or possessed in violation of Title 12, Hawaii Revised Statutes, and rules. The bill also provides for the option of the Department of Land and Natural Resources to retain and use the forfeited property when declared by the court to be forfeited to the State in accordance with the procedure set forth in the Hawaii Penal Code.

Violations of Title 12, statutes, and rules in Hawaii continue to plague the Department of Land and Natural Resources despite its enforcement actions against violators. Examples of violations include the use of helicopters, commercial fishing vessels, and other vehicles used to hunt during night hours and to cart off game taken illegally.

Your Committee has amended this bill by amending the title of HRS 199-7 by deleting the word "equipment" and substituting "certain property". Your Committee finds that the term certain property more clearly describes the items that can be seized for violation of Title 12.

Your Committee has also amended the bill by deleting references to "property". Your Committee finds that where the word "property" is vague the words "aircraft, vehicles, or vessels" should be used to indicate the specific property subject to seizure.

Your Committee has further amended this bill to delete the phrase "or may be kept

and retained and utilized by the Department of Land and Natural Resources or, if not needed or required by the department". Your Committee believes that to allow a state department to keep confiscated property would be setting bad precedent.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 362, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 362, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 788 Finance on S.B. No. 203

The purpose of this bill is to amend current statutes to meet the requirements of P.L. 93-647, Social Services Amendment of 1974.

The State Plan of Cooperation pursuant to the Social Services Amendment of 1974, P.L. 93-647, requires consideration of application of a specific criteria in determination of the amount of support obligation arrearage when not established by previous court order. This criteria in the Federal Regulations is to be considered by the court in the establishment of debt. The amendment includes this criteria in the applicable statute.

Your Committee agrees that this bill will establish criteria which provides equitable means for determining child support obligation. It gives consideration to income and assets of the absent parent as well as the needs of the dependent child.

Your Committee has amended the bill to make changes in style and to correct drafting errors.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 203, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 203, H.D. 1.

Signed by all members of the Committee.

SCRep. 789 Finance on S.B. No. 186

The purpose of this bill is to strengthen the statutes relating to private investigators and guards by amending certain key definitions; providing uniform procedures and qualifications for licensing of private investigators and guards; and by requiring criminal and psychiatric checks on all license applicants.

Section 463-1, Hawaii Revised Statutes, is amended by redefining "detective" or "investigator" as a licensee who is qualified to obtain confidential information. "Guard" is redefined as a licensee responsible for safekeeping client properties, other persons, and for attendant observation and reporting in connection therewith. A definition of "detective or guard agency" as a corporation, partnership, or association engaged in the private detective or guard business has also been added.

Under this bill, applicants for private detective and guard licenses and their employees may not have been convicted of a crime which reflects unfavorably on the fitness of the applicant or employee to engage in the profession. This bill also requires disclosure of whether any applicant or employee has received treatment for any psychiatric or psychological disorder, or whether such treatment has ever been recommended.

Further, this bill requires that the board of detectives and guards investigate the applicant's background, character, etc., and request criminal history records in reviewing applications for licenses.

Your Committee has amended this bill to require that employees of private investigators disclose history of psychiatric or psychological treatment. This provision was inadvertently omitted and is necessary for uniformity of qualifications among private investigators and guards.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 186, 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. 186, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 790 Finance on S.B. No. 18

The purpose of this bill is to provide that a circuit court may appoint a receiver upon initiation by the director of the Office of Consumer Protection of an action for unfair or deceptive acts or practices.

This bill will codify what is now permitted by case law.

Your Committee amended this bill to correct minor drafting errors.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 18, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 18, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 791 Finance on S.B. No. 669 (Majority)

The purpose of this bill is to provide that violation of the abatement of nuisances law and the food, drug, and cosmetic law results in a fine of not more than \$10,000 for each separate offense. It further allows the director of health to impose the civil penalty and provides for injunctive relief in order to prevent violations. This bill also excludes animal feed, other than cat and dog food, from department of health jurisdiction and eliminates outdated federal rules adopted by the 1977 Legislature.

This bill provides for considerably stiffer penalties for violations of the abatement of nuisances law (Chapter 322, Hawaii Revised Statutes) and the food, drugs, and cosmetics law (Chapter 328, Hawaii Revised Statutes) and the rules adopted pursuant to these statutes. Your Committee believes that such penalties will result in more effective compliance with these laws and rules.

While a large fine may be necessary in some instances to compel compliance, your Committee is concerned that authority to impose such fines gives the director of the department of health the potential of penalizing a business out of existence or causing substantial financial harm, especially to the small businessman. This bill has been therefore amended to allow a violator to show that he is unable to pay the penalty and to require the director of health to consider such evidence of economic and financial hardship in determining the imposition of the fine.

This bill also amends the definition of "food" in section 328-1, Hawaii Revised Statutes, by excluding food for animal consumption, other than cat and dog food. This would eliminate duplication of duties between the departments of health and agriculture.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 669, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 669, S.D. 1, H.D. 1.

Signed by all members of the Committee.  
(Representatives Levin and Anderson did not concur.)

SCRep. 792 Finance on S.B. No. 241

The purpose of this bill is to ensure that examiners who testify as experts in penal proceedings where mental illness is an issue are qualified to do so by experience and training.

This bill requires that the examiners, who examine and report to the court upon the physical and mental condition of the defendant, be appointed from a list of psychiatrists and clinical psychologists approved by the Department of Health. It is the intent of your Committee that the list approved by the Department of Health shall be based upon rules, adopted in accordance with Chapter 91, Hawaii Revised Statutes, which identify the requirements for placement on the list. These requirements should be designed to insure that examiners have forensic qualifications and experience as forensic examiners.

Your Committee has amended the effective date of this Act to January 1, 1984, or such time as the Department of Health has approved a list of qualified examiners, whichever is later. This amendment will ensure that courts will be able to appoint examiners during the time that the Department of Health is establishing necessary rules and developing a list of qualified examiners.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 241, 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. 241, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 793      Transportation and Consumer Protection and Commerce on S.B.  
No. 1247

The purpose of S.B. No. 1247, S.D. 1, is to modify and clarify the statute relating to public access to information contained in the statewide traffic records system. Under present law, motor vehicle registration information contained in the statewide traffic records system may only be furnished by the Director of Transportation to: (a) a person having a legitimate reason, as determined by the director, to obtain the information for verification of vehicle ownership, traffic safety programs or statistical reports; (b) a person required or authorized by law to give written notice by mail to vehicle owners. With respect to other information contained in the statewide traffic records system, such information is presently obtainable by any person in response to governmental request or by any person authorized under rules of the Department of Transportation.

The present law has been interpreted to require certain persons otherwise eligible to receive motor vehicle registration information to give written notice by mail to the owners of the vehicles regarding which information is sought. Your Committees find that it was not the intent of the legislature in enacting Act 194, Session Laws of 1981, that persons be required to give notice to the owners of the vehicles.

This bill would remove the discrepancy between treatment of motor vehicle registration information and the other information contained in the statewide traffic records system. Thus, any of three categories of persons would be eligible to receive information contained in the statewide traffic records system. Those so eligible would be: (1) persons on behalf of whom a request for information is made by a state, county, or federal agency or other persons authorized by Department of Transportation rule; (2) persons having a legitimate reason, as determined by Department of Transportation rule, to obtain the information to verify vehicle ownership, for traffic safety programs or for research and statistical reports; or (3) persons required or authorized by law to mail notices to vehicle owners.

Presently, persons requesting motor vehicle registration information contained in the statewide traffic records system must file an affidavit stating the reasons for obtaining the information and assuring that the information will only be used for such reasons, that individual identities will be protected, and that the information will not be used to compile a "mailing" list for commercial solicitation, debt collection, or other prohibited purposes. This bill would make this affidavit requirement apply to requests for any information contained in the statewide traffic records system. It would also expand the prohibition against using the information for a commercial "mailing" list to include any kind of list and would clarify that such list could not be used for commercial solicitations "by mail or otherwise".

Presently, persons who qualify to receive motor vehicle information under (2) above and who request the entire file of the motor vehicle registration information system must enter into a written agreement with, file a \$25,000 bond with, and pay a fee set by the Director of Transportation. This bill would treat such persons requesting the entire file the same as persons requesting part of the file. That is, the bill would delete the statutory requirements of a written agreement and bond and would explicitly provide that the fee to be charged for the information would be set pursuant to rules adopted under chapter 91.

The bill also adds a requirement that any person receiving information contained in the statewide traffic records system under (1), (2), or (3) above would hold the State and any agency thereof harmless from all claims for improper use or release of such information.

Your Committees received testimony on this bill from R.L. Polk & Co., a firm which notifies vehicle owners about vehicle defects. R.L. Polk & Co. testified that there have been over 84 vehicle recalls issued by motor vehicle manufacturers within the past year. It also testified that it is contractually bound to provide the recall notice service within ten days but has been hampered in its efforts by a policy of the State Department of Transportation whereby the Department provides names and addresses of owners of recalled vehicles only after each manufacturer's recall notice has been received.

Your Committees are concerned that the delay caused by requiring firms which provide recall information to request motor vehicle registration information from the State Department of Transportation on a case-by-case basis is potentially hazardous to the operators of motor vehicles which have been recalled. Therefore, your Committees have amended S.B. No. 1247, S.D. 1, by adding the following language at page 3, line 22 to page 4, line 5 of the bill:

"Any person otherwise qualified to receive information under subsection (a)(2) may receive the entire motor vehicle registration file provided that such person is authorized by the federal government to provide safety recall information to manufacturers of motor vehicles and complies with the provisions of this section."

Your Committees also amended the bill to place the "hold harmless" requirement in a new subsection 286-172(d) because subsection (c) deals with information provided under Section 286-172(a)(2), and the "hold harmless" provision applies to information provided under Section 286-172(a)(1), (a)(2), or (a)(3).

Your Committees also amended page 3, line 12 of the bill by inserting "and under such conditions", to provide the Director of Transportation authority to condition release of information contained in the statewide traffic records system upon the requestor's compliance with such reasonable conditions as the Director may deem necessary to prevent abuse of the information.

Finally, your Committees amended the bill by replacing the periods at page 2, lines 3 and 13 with semicolons and by adding "or" following the new semicolon on page 2, line 13. This amendment will make it clear that the categories of persons in Section 286-172(a)(1), (a)(2), and (a)(3) are disjunctive and that persons falling into any one of these three categories may, upon compliance with the other requirements of the law, obtain information contained in the statewide traffic records system.

Your Committees on Transportation and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 1247, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1247, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 794 Consumer Protection and Commerce on S.B. No. 53

The purpose of this bill is to permit Hawaii corporations to pay dividends from capital surplus and to otherwise clarify language.

Presently, corporations may pay dividends only from current profits or retained earnings. In years where a corporation makes no profit and has no retained earnings, no dividends can be paid unless the corporation reduces its capital - a cumbersome process.

Castle & Cooke, Inc. and the Department of Commerce and Consumer Affairs testified in support of the bill.

Your Committee has heard H.B. No. 713, the companion bill. That bill was amended to H.B. No. 713, H.D. 1 which is, in substance, the same as S.B. No. 53, S.D. 1. The House Draft amendments, however, included stylistic changes to conform to present statutory format. Accordingly, the same change has been made to this bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 53, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 53, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 795 Consumer Protection and Commerce on S.B. No. 42

The purpose of this bill is to extend the time for repeal of the Elevator Mechanics Licensing Board until December 31, 1989. The bill also provides for the following:

- (1) Section 448H-3: The Board will be comprised of four, rather than three, licensed elevator mechanics, and two, rather than three, lay members;

- (2) Section 448H-4: The Board must meet not later than thirty days prior to licensing examinations in order to evaluate applicants;
- (3) Section 448H-4: A quorum for Board meetings will consist of four rather than five members;
- (4) Section 448H-4: Board members who miss two consecutive meetings or fifty per cent of the meetings in a year will be removed; and
- (5) Section 448H-5: The Board will review and upgrade its examinations and standards.

Currently, the Elevator Mechanics Licensing Board is scheduled to be sunsetted as of December 31, 1983.

In Report 83-1, January 1983, the Legislative Auditor recommended that the Board be allowed to expire as scheduled, due to its relative inactivity during the past five years. However, there is considerable disagreement as to whether sunseting would actually be in the best interest of the public and the industry.

Your Committee heard testimony in favor of the bill from the Elevator Mechanics Licensing Board, the International Union of Elevator Constructors, the Hawaii Building and Construction Trades Council, and the Hawaii State AFL-CIO.

Your Committee finds, that after careful consideration, that there is reason to believe that the Board may yet serve a useful purpose, if only to continue the licensing function. Therefore, your Committee has amended the bill by extending the Board for an additional two years, with the understanding that the extension will serve as a period for further consideration of eventual repeal or continuation of the Board. If at the end of the two year extension the Board has not demonstrated an adequate measure of usefulness, your Committee recommends that it be repealed and that the licensing functions transferred to the Department of Commerce and Consumer Affairs.

Your Committee earlier heard the companion bill, H.B. 689, and felt that an extension should be made on a probationary basis so that an evaluation of the Board's efficacy during the two year extension can be reviewed.

Your Committee has made technical changes for purposes of style, clarity, and the correction of typographical errors.

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

Signed by all members of the Committee.

SCRep. 796      Consumer Protection and Commerce on S.B. No. 757

The purpose of this bill is to require contractors working directly or indirectly for the federal government to be licensed under Hawaii's contractor licensing laws. This bill would require all contractor doing work within the State to be licensed according to Hawaii's contractors licensing law.

Under current law all construction work performed within the State must be performed by a contractor licensed under Chapter 444, Hawaii Revised Statutes. The law is unclear, however, as to whether a contractor performing federal work is covered by Chapter 444.

Testimony in favor of the bill was given by the Hawaii Building and Construction Trades Council of the AFL-CIO and by the Subcontractors Association of Hawaii. The Attorney General gave testimony regarding the possibility that the bill might raise constitutional difficulties and might conflict with federal requirements.

Your Committee finds that a general contractor may bid on a federal project and, if that contractor is awarded the contract, may employ subcontractors who are not licensed pursuant to Chapter 444. Many of the contractors bidding are contractors whose offices are based out of State. In many cases these contractors are not paying Hawaii's workers' compensation rates. Your Committee is well aware of the high cost of workers' compensation in the State of Hawaii and the State's dubious distinction of

having the highest costs in the nation in many construction categories. The outside contractor is required to notify the insurance agent that work is being performed in Hawaii, but many times this does not occur.

Your Committee recognizes the huge dollar loss the local construction industry suffered because of the lack of contracts given to local contractors. Research reveals that in 1980, \$14,380,290 went to outside firms; in 1981, \$77,905,872, and from January to September 1982, \$11,347,518 went to outside firms.

Your Committee has amended the bill to include a section concerning the purpose of this bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 757, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 757, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 797 Consumer Protection and Commerce on S.B. No. 787

The purpose of this bill was to strengthen the law on horizontal property regimes by making numerous amendments to Chapter 514A, Hawaii Revised Statutes.

This bill provided for the following amendments:

- (1) Redefined "apartment", which was previously defined as property intended for any type of use with an exit to the street, to be the portion of a condominium which is separately deeded or leased to individual owners.
- (2) Redefined "apartment owner" to be the owner of an apartment, provided that a lessee of an apartment registered under Chapter 501 or recorded under Chapter 502, Hawaii Revised Statutes, shall be the owner for voting purposes.
- (3) Required that an instrument executed by the officers of the association of apartment owners shall be the only document required to record amendments to declarations or bylaws for projects registered with the Land Court.
- (4) Provided that apartment owners who wish to change their designated parking stalls need only get the approval of owners whose stalls are affected, the lessor, and the mortgagee.
- (5) Amended Section 514A-82, "Contents of Bylaws", to specify staggered terms for the board of directors, provide late charges for delinquent payment of common expenses, require board meetings to be conducted under the most current edition of Robert Rules Of Order, and provide penalties for violation of the declaration or the bylaws.
- (6) Required tenants, employees of an owner, and other persons using the property to comply with the bylaws and administrative rules.
- (7) Allowed work to be done on the property with the consent of the percentage of apartment owners required to amend the declaration rather than the consent of all owners.
- (8) Allowed the association lien for unpaid common expenses, including expenses, costs, and fees incurred in collecting delinquent assessments, to have priority over all liens except taxes, government assessments and mortgages of record recorded prior to the date of recordation of an instrument evidencing the association's lien.
- (9) Amended Section 514A-82(13) to provide that two representatives from the same family or corporate entity would be allowed to serve on boards of nine members or more, provided they own at least five apartments.
- (10) Amended Section 514-82(16) to provide that all board meetings would be open to members of the Association.
- (11) Amended Section 514A-82(18) to provide that continuing proxies would be disallowed.



- (12) Amended Section 514A-82(19) to provide that a list of association members would be available to any member for a fee.
- (13) Amended 514A-82(24) to provide that the minutes and financial statements of boards and associations of owners would include the recorded vote of each member.
- (14) Provided for attorneys' fees incurred by or on behalf of the association, unless deemed by the court to be unreasonable.

Testimony in favor of certain portions of the bill was given by the Hawaii Bankers Association, Chaney, Brooks and Company, and several condominium owners. Testimony against the bill or certain portions thereof was given by the Hawaii Association of Realtors, the Judiciary (Land Court Division), and the Real Property and Financial Services Section of the Hawaii State Bar Association.

Your Committee has deleted all amendments to this bill with the exception of that portion relating to parking stalls.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 787, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 787, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Taniguchi.

SCRep. 798 Consumer Protection and Commerce on S.B. No. 193

The purpose of this bill is to remove the requirement of an annual report and the positions of secretary and treasurer from the board of veterinary examiners, to impose a more realistic license application deadline, to remove the requirement for an oral, as well as written examination, to delete references to gender and indefinite modifiers, and to replace the requirement of good moral character with a reputation for competence.

Presently, applicants for veterinary licenses are required to file an application for examination to consist of oral, as well as written questions. This bill changes the deadline for filing applications to at least sixty days prior to the scheduled examination and does away with the requirement for oral questions.

Under current law, the board of veterinary examiners is required to submit an annual report to the governor. A memorandum issued by the deputy director of commerce and consumer affairs indicates that of the thirty boards and commissions placed within the department of commerce and consumer affairs, fifteen are required by law to submit annual reports to the governor or the legislature. Information requested by the Governor is always made available by the department and the requirement of a formal report is unnecessary.

The Board of Veterinary Examiners testified in support of the bill.

Your Committee finds that the requirement of having a "reputation for competence" is just as vague as the requirement of "good moral character". Therefore, the requirement of good moral character has simply been deleted. Since an applicant is required to be a graduate of a veterinary college, the requirement of being at least 18 years of age has been deleted as being unnecessary.

Your Committee has further amended the bill by making technical changes to correct typographical errors and utilize correct Ramseyer bill drafting format.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 193, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 193, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 799 Consumer Protection and Commerce on S.B. No. 180

The purpose of this bill is to delete the requirements that members of the Board of Nursing be United States citizens and file with the Lieutenant Governor the constitutional

oath of office before the commencement of the members' terms of office, that the Board of Nursing submit an annual report to the Governor, and that registered nurse board members have five years of post graduate experience in administering or teaching nurse training courses and substituting therefor a requirement that such members have five years of experience in the practice of nursing as a registered nurse, and to make technical changes which have no substantive effect.

Concern was expressed in testimony submitted by the Hawaii Nurses Association that there remain a requirement that at least some members of the Board of Nursing have teaching or administrative experience. This is because the Board is tasked with accrediting nursing schools. The Board of Nursing testified that the deletion of this requirement does not indicate that no persons with teaching or administrative experience would be appointed to the Board, but it was intended to give the Governor more flexibility in appointing a cross-representation of the nursing community.

Your Committee agrees that the Governor should have flexibility in his appointments but hereby expresses its desire that at least two nurse-appointees have teaching or administrative experience.

Your Committee has made nonsubstantive amendments to this bill for clarity and consistency.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 180, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 180, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 800      Consumer Protection and Commerce on S.B. No. 179

The purpose of this bill is to delete the U.S. citizenship requirement for mortgage brokers and solicitors; to require a mortgage broker, if not an individual, to register to do business in the State with the Department of Commerce and Consumer Affairs; to require designation of a mortgage solicitor to be in charge of a branch office; and to make technical changes in the law.

The Department of Commerce and Consumer Affairs presently is not enforcing the U.S. citizenship requirement because it was earlier ruled by the Attorney General's Office that the U.S. citizenship requirement is unconstitutional.

Your Committee received testimony from the Department in support of this measure, which requires any corporation applying for a mortgage broker's license to be properly registered to conduct business in the State. For the protection of the public, a mortgage broker, if not an individual, should not be issued a license unless it has first registered with the business registration division of the Department.

Your Committee finds that when a mortgage broker establishes a branch office, a licensed mortgage solicitor should be designated to be in charge of and held responsible for the activities of the branch office. The bill requires a mortgage broker to designate a mortgage solicitor to be in charge of each branch office.

Your Committee amended the bill to correct typographical errors and make technical changes which have no substantive effect.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 179, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 179, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 801      Finance on S.B. No. 608

The purpose of the bill is to expand the applicability of the Rental Assistance Program to include rental housing projects financed by the Farmers Home Administration or the Department of Housing and Urban Development.

The Rental Assistance Program was specifically created by the Legislature in 1981 to facilitate the implementation of the Hula Mae Rental Housing Program. The rental

subsidies provided under the program are currently limited to housing projects which are financed with the proceeds from the sale of Hula Mae bonds. Yet, the need for an expanded rental assistance program is quite evident. On Oahu alone, about 23 per cent of the households pay in excess of 25 per cent of their income on rent, 18 per cent of the households pay more than 30 per cent of their income on rent, and 8 per cent pay more than 50 per cent of their income on rent, according to recent U.S. Bureau of Census data. This bill will enable the Authority to utilize the Rental Assistance Program in conjunction with HUD and FmHA programs.

Your Committee has amended this bill to provide \$1 to be paid into the rental assistance fund established in section 356-303, Hawaii Revised Statutes. Other technical, non-substantive amendments have been made.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 608, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 608, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 802      Finance on S.B. No. 324

The purpose of this bill is to protect Hawaii's bee industry by prohibiting the importation of bees into the State.

This bill would amend section 150A-6, Hawaii Revised Statutes, to prohibit the importation of live or dead bees. Such a prohibition would prevent the introduction of honey-bee mites (*Varroa jacobsoni* and *Acarapis woodi*) and maintain the disease resistance of Hawaii's bees and thus protect the local bee industry from diseases introduced thereby.

Your Committee finds that in 1981, Hawaii's bee industry was valued at approximately \$466,000 for honey, \$30,000 for beeswax, and \$300,000 for queen bee export. This bill would protect the honeybee and beeswax sectors of the industry, but would have an adverse effect on the queen bee export sector.

Your Committee also finds that although there is no evidence of infestation of honey bees by mites in the continental United States at this time, there is no method of determining when honey bees from northern Mexico carrying these organisms will cross over into the United States.

Your Committee further finds that although this bill would have an adverse effect on the queen export sector of the bee industry, the inadvertent admission of any honey bees infected with either of these organisms would have an even greater deleterious impact on all sectors of Hawaii's bee industry. We therefore recommend passage of this bill.

Your Committee made a technical, nonsubstantive amendment.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 324, 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. 324, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 803      Finance on S.B. No. 1122

There are two purposes of this bill: (1) to amend section 312-2.1, Hawaii Revised Statutes, to provide that the position of state librarian shall be exempt from Chapters 76 and 77, Hawaii Revised Statutes; and (2) to raise the salary of the state librarian to the equivalent of a first deputy to a department head.

Act 150, Session Laws of Hawaii 1981, significantly increased the responsibilities of the state librarian. Prior to that time, the state librarian was subordinate to the superintendent of education, who was in turn subject to the board of education. The state librarian was then compensated at the level of assistant superintendent of education.

Act 150 established the office of library services and the office of the state librarian directly under the control of the board of education. The state librarian is now in a position at an equivalent level to the superintendent of education from an organizational standpoint within the department of education. However, the state librarian's compensation

remained at the level of assistant superintendents.

Your Committee agrees that the compensation of the state librarian should be increased to reflect the added responsibilities resulting from Act 150. The state librarian is currently responsible for the entire state public library system of Hawaii, consisting of the Hawaii State Library, the Library for the Blind and Physically Handicapped, six regional libraries, 27 community libraries, 11 community/school libraries, and 5 bookmobiles. The state librarian supervises a staff of 442 full-time employees and a total of 700 employees, both full-time and part-time, permanent and temporary, throughout the State. However your Committee does not agree that the responsibilities of the state librarian are comparable to that of the superintendent of the department of education, nor of the 17 department heads in the State. Therefore, this bill has been amended to set the salary of the state librarian at the level of first deputies to department heads. This salary amount is currently \$47,520, which is greater than the \$44,550 paid to assistant and district superintendents but less than the \$50,490 salary of the superintendent of education and department heads.

Your Committee on Finance is in accord with the intent and purpose of S.B. 1122, 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. 1122, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 804 Finance on S.B. No. 834

The purpose of this bill is to establish a state-funded job training program for dislocated workers under the federal Job Training Partnership Act (JTPA) of 1982.

Dislocated workers are generally defined as individuals terminated or soon to be terminated as a result of a plant closing and with little or no prospect of returning to their former jobs.

With the announced closing of Puna Sugar and Del Monte, your Committee foresees many workers being forced to cope with traumatic social, emotional, and economic problems resulting from the company closures. Many of these individuals lack the necessary skills and training to enter into another line of work. Furthermore, in the Puna area on Hawaii and on Molokai, these firms provided a primary economic base for their communities, and the impact of closure will ripple to all other segments of the community.

This bill establishes a dislocated workers program to assist individuals, such as those who lost or will lose their jobs because of company closure, to obtain other employment through a variety of services, including training, job search assistance, and relocation assistance.

Under Title III of the Job Training Partnership Act of 1982 (JTPA), the U.S. Department of Labor will have a program for dislocated workers. To qualify for federal funds under this program, the State will have to match federal funds, dollar for dollar, with non-federal contributions. Your Committee has therefore amended this bill by appropriating general funds for this purpose.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 834, 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. 834, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 805 Finance on S.B. No. 555

The purpose of this bill is to make the following changes in the various Department of Commerce and Consumer Affairs service fees: (1) increase the fee for an original certificate of compliance from \$1 to \$5, and additional copies from 25 cents to \$1; (2) establish a fee of \$15 for service of process upon corporations; (3) increase the fee for filing a certificate of registration of a print, label, or trademark from \$10 to \$25; (4) increase fees for legal processes and notices from \$5 to \$10; and (5) amend section 26-9(k), Hawaii Revised Statutes, to provide the Director of Commerce and Consumer Affairs with the authority to increase or decrease these fees by rules in accordance with chapter 91, Hawaii Revised Statutes.

Your Committee finds that many of these fees have not been changed for decades and the current amounts no longer cover the costs of services rendered. This bill would rectify this situation by increasing the fee amounts and by giving the Director of Commerce and Consumer Affairs the authority to increase or decrease fees in accordance with chapter 91, Hawaii Revised Statutes. With this authority, the department will be able to adjust fees to maintain a reasonable relationship between the fees and the costs of services provided without the necessity of seeking recurring statutory changes.

Your Committee has amended this bill by deleting the provisions which would have required that a portion of the newly established fees be deposited into the Business Registration Division's special fund established by Act 244, Session Laws of Hawaii 1982. While your Committee is cognizant of the backlog in that division and the need for additional resources, these needs are more properly addressed through the regular budgetary process.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 555, 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. 555, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 806      Finance on S.B. No. 977

The purpose of this bill is to create a Hawaii security net for social services programs.

Recent policies of the federal government which severely and abruptly reduce federal funding for human services programs place greatly increased burdens on the states for caring for their people who are in need of the basic necessities of life. These new federal policies underline the importance of establishing a security net of public and private assistance and social services programs to provide the basic necessities of life.

This bill requires the department of social services and housing to determine the appropriate level for the Hawaii security net by developing a tracking and monitoring system through which the department will be able to determine what segments of the population are not able to afford the basic necessities of life. The department shall advise the legislature regarding the resources necessary to maintain the security net at the appropriate level.

Your Committee had amended this bill to require only an annual, rather than a biannual, report to the legislature. Annual reports are sufficient since funding decisions are made by the legislature on an annual basis. Further, biannual reports may burden the department unnecessarily.

This bill has been further amended by deleting the provisions which would have given the department of social services and housing the authority to determine which health care services to include in the medical assistance program. This authority would have extended to July 1, 1984. The purpose of this provision was to allow the department the option to delete certain services under the medical assistance program to accommodate funding shortfalls.

Your Committee has approached the problem of the funding shortfall in a different manner. In section 19, Part III, of H.B. No. 1, H.D. 1, the department is required to effect an overall 15 per cent reduction in payments and rates to individual practitioners and health care providers. This across-the-board reduction will facilitate the necessary cutbacks in the medical assistance program; therefore, it would be unnecessary for the department to delete certain services that are currently being provided.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 977, 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. 977, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 807      Finance on S.B. No. 492

The purpose of this bill is to enable court reporters to provide court transcripts and copies to the Public Defender on the same basis as transcripts and copies now provided to the other government attorneys.

Your Committee agrees that the Public Defender should be accommodated in the same manner as other government attorneys. There is no reason to treat the Public Defender differently from the Attorney General, the County Prosecuting Attorney, or Corporation Counsel in obtaining manuscripts or copies.

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 492, 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. 492, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 808 Finance on S.B. No. 4

The purpose of this bill is to provide funds for the acquisition and development of unspecified land resources for recreation, agricultural and conservation parks, historic and archaeological sites, water resources projects and public land banking. Your Committee has substantially amended the bill to provide appropriations for specific capital improvement projects throughout the state. Your Committee believes that the projects contained herein reflect the legislature's continued commitment to projects which reflect the needs and desires of the people of the state.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 4, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 4, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 809 Judiciary on S.B. No. 484

The purpose of this bill is to eliminate, in proceedings for the appointment or removal of the guardian of the property involving minors, the requirement of notice to grandparents of the minor except when one or both of the parents are deceased.

Your Committee finds that when the parents of a minor are living, notice to grandparents in such protective proceedings is unnecessary, costly, and may cause disharmony within the family.

This bill will require notice to grandparents only when both parents are deceased or to one set of grandparents when one parent is deceased.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 484, 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. 810 Judiciary on S.B. No. 665

The purpose of this bill is to enable the office of the clerk of the appropriate court of this State to treat a foreign judgment, decree, or order of a court of the United States or of any other court which is entitled to full faith and credit in this State in the same manner as a judgment of a court of this State. This bill will also provide a procedure for the filing of the foreign judgment with the office of the clerk.

Article IV of the United States Constitution declares that judgments rendered in one state shall be entitled to full faith and credit in any other state. Under present law, in order to enforce a judgment rendered in another state, the courts of this State require that a proceeding be initiated to establish the foreign judgment before it is accorded full faith and credit. This bill will simplify the procedure by requiring only the filing of an authenticated judgment, in lieu of a hearing.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 665, 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. 811      Judiciary on S.B. No. 630

The purpose of this bill is to enable the Hawaii Paroling Authority to return to prison a parolee who violates the conditions of his parole for the remainder of his original sentence.

Under present law, the maximum term of recommittal for a parole violator is ten years. Your Committee finds that a parolee should not be relieved of any portion of the court-imposed maximum term. This bill will require the Hawaii Paroling Authority to reincarcerate a parolee for the remainder of this maximum term when he violates the conditions of his parole. However, this is not to preclude the Hawaii Paroling Authority from again granting parole to the recommitted parolee. It is the intent of your Committee for the Hawaii Paroling Authority to reconsider periodically any recommitted parolee for possible parole.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 630, 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. 812      Judiciary on S.B. No. 498

The purpose of this bill is to permit a party applying for an order for protection in cases of domestic abuse to submit a petition for relief accompanied by an affidavit made under oath or a statement made under penalty of perjury stating the specific facts and circumstances from which relief is sought.

Under present law, the application for such orders must be supported by a notarized affidavit. However, a notary is not always readily available, causing delays in situations where immediate action may be necessary.

Your Committee believes the bill will simplify the application procedure for domestic abuse protective orders by permitting the statement supporting the application to be made under penalty of perjury.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 498, 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. 813      Judiciary on S.B. No. 480

The purpose of this bill is to require a divorced spouse, who is receiving support payments, to file a notice with the Family Court, which issued the order to pay support, and to notify the former spouse upon remarriage of the receiving spouse. The receiving spouse will be required to serve a copy of the filed notice to the former spouse within thirty days of remarriage by personal service or by registered or certified mail. The bill also provides that all rights to receive and all duties to make payments shall automatically terminate upon remarriage unless there are specific provisions in the divorce decree to continue payments after remarriage.

Under present law, the responsibility of initiating the action to terminate the support payments is placed on the divorced spouse making the payments. This bill will place the responsibility on the remarried spouse.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 480, 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. 814      Judiciary on S.B. No. 748

The purpose of this bill is to enable the Family Court to reserve issues of child and spousal support orders and division of debts and property for future determination, upon the granting of a divorce, if such issues are reserved under the divorce decree

by agreement of both parties or by order of the court after finding good cause exists.

Your Committee heard testimony from the Family Court supporting the bill since the bill will clarify the court's jurisdiction to reserve the resolution of certain issues for future determination.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 748, 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. 815      Judiciary on S.B. No. 890

The purpose of this bill is to amend section 851-4, Hawaii Revised Statutes, by providing that a person who uses or attempts or conspires to use a credit card number, without the consent of the cardholder, for the purpose of obtaining money, goods, services, or anything of value, is a violation subject to: (1) a fine of \$1,000 or imprisonment of not more than one year, or both, if the total value obtained or attempted to be obtained is \$100 or less in a six-month period; or (2) a fine of \$3,000 or imprisonment of not more than three years, or both, if the value obtained or attempted to be obtained exceeds \$100 in a six-month period.

Your Committee received testimony from the Hawaii Bankers Association and the Honolulu Police Department supporting the bill since fraud losses caused by unauthorized use of credit cards are a major problem for credit card issuers. Hawaii, being a tourist destination area, is prone to a higher level of fraud losses than many other parts of the country. Your Committee finds that an increasing number of merchants are allowing charges to be placed on a credit card number without requiring proof of the credit card itself.

The present law has been construed to preclude prosecution for the fraudulent use of a credit card number, as opposed to the credit card itself. The bill specifies that the fraudulent use of a credit card number is illegal.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 890 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 816      Judiciary on S.B. No. 448

The purpose of this bill is to enable the chief of police to issue permits to acquire firearms to aliens, who are duly commissioned law enforcement officers in the State and who shall also transfer ownership of the firearms within forty-eight hours after termination of employment from a law enforcement agency.

Your Committee has received testimony in support of this bill from the Honolulu Police Department. Under present law, state law enforcement agencies have experienced problems in hiring aliens for law enforcement duties because of the requirements for the personal possession and acquisition of firearms provided for in section 134 of the Hawaii Revised Statutes.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 448, 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. 817      Judiciary on S.B. No. 481

The purpose of this bill is to amend section 571-54, Hawaii Revised Statutes, by extending the time period for filing a motion for reconsideration from ten days to twenty days from entry of an order or decree being appealed. In addition, this bill will also eliminate notification of the Attorney General and Prosecuting Attorney when a motion for reconsideration is filed.



The Family Court has testified that this bill is necessary to conform the present law with the Family Court Rules which now provide a twenty-day limit for a motion for reconsideration.

The Family Court has also testified that notification of the Attorney General and Prosecuting Attorney is not necessary when a motion for reconsideration is filed since they represent the State.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 481, 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. 818      Judiciary on S.B. No. 1187

The purpose of this bill is to amend section 663-1.5 of the Hawaii Revised Statutes, by extending immunity to any person or other entity, who as a public service, publishes written, general first aid information dealing with emergency first aid treatment without remuneration or expectation of remuneration for providing this public service. The person or other entity shall not be liable for any civil damages resulting from the written publication of such first aid information except as may result from its gross negligence or wanton acts or omissions.

Your Committee finds that the dissemination of lifesaving emergency first aid information serves a vital purpose to the community.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1187 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 819      Finance on S.B. No. 507

The purpose of this bill is to increase the monthly exemption under the Hawaii Wage and Hour Law.

Presently, an individual who is guaranteed compensation of \$700 or more per month is exempt from overtime coverage under the Hawaii Wage and Hour Law regardless of the type of work performed.

Your Committee finds that \$700 per month is too low for overtime exemption. That amount is actually less than the statutory minimum wage based on a forty-eight hour workweek. The last raise in monetary exemption was in 1969 when the minimum wage was \$1.40 an hour. Since then the minimum wage has been increased seven times while the over-time exemption has remained the same.

This bill raises the overtime exemption for salaried employees from \$700 to \$1000 per month.

Your Committee has amended this bill to correct a typographical error and made technical and nonsubstantive changes.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 507, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached as S.B. No. 507, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 820      Finance on S.B. No. 450

The purpose of this bill is to amend Section 514A-82(14), Hawaii Revised Statutes, to prohibit resident managers or managing agents from voting or casting proxies at any board meeting on any issue in which the manager or agent has a conflict of interest.

Your Committee finds that currently the statutes restrict members of the board of directors from voting or casting proxies if there is a conflict of interest. This bill

would extend the prohibition to resident managers and managing agents.

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 450, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 450, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 821 Finance on S.B. No. 903 (Majority)

The purpose of this bill is to allow conservation district lands and forest and reserve zones to be used for geothermal energy production. In addition, the bill would allow the initial explorer to be awarded the mining lease, even if he is not the highest bidder, if his bid plus his exploration costs are reasonably equivalent or reasonably comparable to the highest bid at public auction.

In its review of this matter, your Committee believes that the more prudent approach to permitting geothermal production on private and state lands is for the State to designate appropriate geothermal areas. The Board of Land and Natural Resources will systematically review all potential geothermal resource areas for their geothermal potential as well as the possible effects on the surrounding environment.

Your Committee agrees that:

- (1) The Board of Land and Natural Resources be authorized to assess the appropriateness of an area as an AGRA and to establish it as a "geothermal resource subzone" in any land use district, whether it be conservation, agricultural, or any other designation;
- (2) There is no need for the involvement of the Land Use Commission in the process of designating an AGRA as a geothermal resource subzone; and
- (3) The role of the Board of Land and Natural Resources in its designation of AGRA's be conceptually a statewide concern, which at the same time does not detract from the needs of the various counties; and that the methods for assessing potential geothermal resource subzones by the Board include review based on currently available public information and conducted, in part, with at least one public hearing in each area of a county wherein an AGRA is being considered for designation as a geothermal resource subzone.

Your Committee has amended the bill to delete subsection (c) on page 5. Your Committee believes that the Board would have difficulty in determining the negative environmental and social impacts and where the disruption to surrounding land uses appear to be the least without essential information as to precise location, size, scope, and operating conditions. Furthermore, measures that can be taken to mitigate impacts to acceptable levels would also have to be analyzed. Your Committee finds that such detailed investigation would be covered in environmental impact statements submitted by potential geothermal development companies.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 903, S.D. 1, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 903, S.D. 1, H.D. 2.

Signed by all members of the Committee.  
(Representatives Levin, Nakata and Anderson did not concur.)

SCRep. 822 Finance on S.B. No. 1092

The purposes of this bill are to: require the Attorney General to issue a nondriver identification card in addition to the regular civil identification card; consolidate the functions of the Bureau of Crime Statistics and Civil Identification with the functions of the Hawaii Criminal Justice Data Center; and expand the purpose of the Hawaii Criminal Justice Data Center.

Your Committee finds that this bill, as amended, will promote efficiency and effectiveness by consolidating similar functions and improving the criminal justice data and civil

identification programs.

Your Committee has made the following major amendments:

(1) The requirement that the Attorney General provide nondriver identification cards has been deleted. Your Committee feels that this program is unnecessary because other means of securing identification are available.

(2) Section 831-3.2(h), Hawaii Revised Statutes (HRS), has been amended to conform to the provisions of this bill. That section made reference to part IV of chapter 28, HRS, which has been repealed by this bill. Your Committee has changed the reference to chapter 28, part IV, HRS, to chapter 846.

(3) The numbers of the sections in the new part II of chapter 846, HRS, have been changed to conform to the accepted numbering style of the statutes.

In addition, other technical, nonsubstantive amendments have been made.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1092, 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. 1092, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 823 Health and Judiciary on S.B. No. 236 (Majority)

The purpose of this bill is to require the giving of informed consent for mastectomies, to include information regarding alternatives to more radical surgery which may be available.

Your Committees heard testimony from the Hawaii Medical Association and physicians that the proposed amendment would be redundant, inasmuch as the Legislature has already enacted a general informed consent law covering all procedures; and that it would be improper to single out a given procedure for special attention.

Your Committees agree with both points, and have amended the bill to reflect in a measure the concerns of the medical community, while continuing to support the conviction of the Legislature that patients are entitled to know the range of options available to them so as to make informed decisions about the course of their treatment.

In this light it is useful to recapitulate the legislative history of the bill in question. The measure was originally introduced in the Eleventh Legislature as a measure which would require informed consent only for mastectomies, in recognition of new findings in the medical field which indicated that less radical procedures could be as efficacious in the treatment of breast cancer. The bill passed the Senate in that form. The House, however, hearkened to the arguments that it was not proper to single out one disease entity when there were other procedures which could be similarly controversial. The House amended the bill to require the Board of Medical Examiners to provide standards for informed consent across the range of medical procedures, and the bill was enacted in that form.

The issue of proper information for breast cancer patients continued to be of concern, however, because the ailment is a relatively common one, is a serious affliction and is widely treated by a procedure that is grossly disfiguring and psychologically deeply disturbing.

Accordingly, new legislation addressing informed consent for breast cancer was introduced in the current session of the Legislature. In their hearings on this measure, your Committees addressed the question of a general directive for informed consent versus the identification of specific procedures. Your Committees were told by the Board of Medical Examiners that the range of procedures subject to consent, numbering in the thousands, was so large that the Board found it impossible to develop standards for each procedure.

Your Committees agree that this task may be too large for the Board, but remain convinced that there are some procedures which are so controversial, which have such a grave result for the patient or which are the subject of new medical findings as to efficacy that they should receive special attention from the Board of Medical Examiners. Your Committees believe that the number of such procedures is much smaller, and that it can be reasonably addressed by the Board.

Accordingly, your Committees have amended S.B. No. 236, S.D. 1 to require the Board to develop standards for informed consent, insofar as practicable, commencing with mastectomies. It is your Committees' intent that the Board should proceed as expeditiously as possible to address controversial procedures, and that the Board report its progress to the 1984 Regular Session of the Legislature, together with its plans for the further development of standards for informed consent. Your Committees recognize that to comply with this direction the Board may have to defer the development of standards for procedures that are routine, noncontroversial or so well established that there is no question of their employment.

The entire Section 671-3 Informed consent; board of medical examiners standards is addressed in this House draft. Your Committees amended the bill by deleting Section 671-3 (a) and (b) and replacing them with new subsections (a) and (b). A new subsection (c), which provides for the Board of Medical Examiners to establish informed consent standards for mastectomies, has been inserted and the present subsection (c) has been redesignated (d).

Your Committees on Health and Judiciary are in accord with the intent and purpose of S.B. No. 236, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 236, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.  
(Representatives Chun, Matsuura, Tom and Tungpalan did not concur.)

SCRep. 824      Judiciary on S.B. No. 255

The purpose of this bill is to require a person arriving in the State, who brings with him or causes to bring into the State a firearm, to register the firearm within 48 hours.

Under present law, a person arriving in the State who brings a firearm with him, shall register the firearm within 48 hours. However, present law does not address the situation where the firearm arrives separately from the owner.

Your Committee has made a nonsubstantive correction to this bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 255, 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. 255, S.D. 1, H.D. 2, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 825      Judiciary on S.B. No. 640

The purpose of this bill is to provide a statute of limitations to limit the commencement of actions to recover damages for property damage or for bodily injury or wrongful death due to deficiency or neglect in the planning, design, suretyship, manufacturing, and supplying of materials, construction, supervision, and administering of construction and observation of construction relating to an improvement to real property, to two years after the cause of action has accrued, but no more than six years after the improvement has been completed.

Under present law, liability in tort for damages resulting from improvements to real property is covered by the traditional tort statute of limitation within two years after the cause of action has accrued.

Your Committee finds that those persons involved in improvements to real property should not be subject to future liability without an applicable statute of limitations. Future liability without a statute of limitations when all physical improvements to real estate by their nature are subject to deterioration and normal wear and tear, imposes an undue and unfair burden. More importantly, this limitation is not just for the protection of architects and engineers but also for the protection of the public.

Your Committee finds that Hawaii leads the nation with the highest average home prices nationwide. For example, the average cost of a home in Honolulu was \$50,000 more than the average price in San Francisco.

Your Committee feels that the enactment of this bill to provide immunity from suits

after a period of six years for certain activities relating to improvement of real property will result in keeping the cost of housing in Hawaii from rising even further. It is the obligation of the Legislature to do all it can to control the high cost of housing so that the dream of home ownership does not slip from the grasp of an even greater number of Hawaii's residents.

Your Committee is concerned that escalating construction costs will eventually drive the cost of homes out of the reach of the vast majority of first-time home buyers. Hawaii's legislature has attempted to make home ownership available to the greatest number of its residents through such programs such as the Hula Mae loan program and the leasehold conversion laws.

Your Committee has heard extensive testimony from the Construction Industry Legislative Organization, American Institute of Architects, Consulting Engineers Council of Hawaii, Building Industry Association of Hawaii, as well as many architects and engineers supporting the intent of the bill.

In accordance with their testimony, your Committee finds that once a real estate improvement project has been completed and accepted by the owner, the architects, engineers, and contractors no longer exercise any control over the maintenance of the building. However, the older the building becomes, the more maintenance is required to keep it in sound structural condition. If no specific maximum statute of limitations is available, the designer and builder must design and specify materials that will reduce their exposure to liability on the premise that even without extensive maintenance the structural integrity of the building will be maintained. If the buildings must be designed with unlimited exposure in mind, the cost of construction will rise which translates into higher housing costs.

The testimonies presented have revealed that based on the professional opinion of architects involved in design of low and moderate income housing, the cost of a single-family home, presently, costing \$25,000 with a six-year statute of limitation, will increase to \$29,250 with a ten-year statute (an increase of approximately 17%) and to \$35,000 with no statute of limitation (an increase of approximately 41%). Another architect who has designed single and multi-family homes estimates that to upgrade structures to protect the design professional in the event of a ten-year statute of limitation would increase the cost of an average single-family home from \$48,000 to \$57,600, or approximately 20%.

Your Committee finds that a statute of limitations would have little effect on the cost of higher cost homes where higher quality, longer lasting materials are normally specified. However, the existence of a statute of limitations will probably have considerable impact on the design of lower cost housing.

In addition, your Committee recognizes the need for prompt adjudication of claims on the merits and insuring that all valid claims be given an opportunity to be presented. A study done in March 1983 by the Schinnerer & Company, Inc. of 250 claims for injuries resulting from improvements to real property filed between December 1979 and October 1980, reveals that 95.5% of all such claims had been filed within eight years. A similar study by the Office for Professional Liability Research conducted in 1968, shows that 98.7% of all such cases were filed within the first eight years. Thus, it can be reasonable assumed that even with an eight-year statute of limitations, the vast majority of all cases will be heard on the merits.

Your Committee has carefully weighed the concerns that from two to five per cent of all potential tort claims relating to construction of improvements to real property would be denied if a statute of limitation was imposed. However, in balancing the concerns of adjudicating claims on their merits and the concerns about the potential rise in costs that may result if no statute of limitation is imposed, your Committee firmly believes that the statute is necessary. A far greater majority of the general public would profit from the enactment of a statute of limitations than would be hurt by its passage.

Your Committee recognizes that prior attempts to provide such a statute of limitations have been invalidated by the Hawaii Supreme Court in Shibuya v. Architects Hawaii Ltd., Haw. Sup. Ct. No. 7139 (June 29, 1982). Your Committee feels that in fashioning a statute setting forth the limitations on claims against architects, engineers, etc., your Committee has set forth a reasonable justification in furthering the state's goals of keeping housing costs within the reach of the greatest number of Hawaii's residents. Therefore, the immunity of this statute is provided only to those activities that are connected with the design and construction of improvements to real property. In doing so, your Committee believes that all persons similarly circumstanced are treated alike.

Your Committee, after full and free discussion, has amended the bill to increase the period of the statute of limitations from six to ten years, thereby giving needed protection and at the same time providing for a sufficient length of time to file the claims.

Your Committee also heard testimony from the Hawaii Academy of Plaintiffs Attorneys which opposed the enactment of the bill because of the impact on personal injury and wrongful death cases. Accordingly, your Committee has further amended the bill to delete personal injury and wrongful death from the coverage of the limitations. This means that in all cases when there is a personal injury or death involved, the general tort statute provided in section 657-7, Hawaii Revised Statutes, shall apply.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 640, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 640, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Matsuura and Tungpalan.

SCRep. 826 Consumer Protection and Commerce on S.B. No. 735

The purpose of this bill is to allow applicants for a Certificate of Public Accountant (CPA) to satisfy the graduate study requirement with two additional years of public accounting experience, delete the provision that equivalent experience as an auditor or examiner in industry or government may be substituted for professional public accounting experience, and substitute a requirement of having a "reputation for competence, trustworthiness, and fairness" for being of "good moral character".

Your Committee heard testimony from the Board of Accountancy and the Hawaii Society of Certified Public Accountants in support of the bill. The option of replacing the graduate studies requirement with two years of public accounting experience, in addition to the two years of experience already required, will assist candidates who may be financially unable to commit themselves to a fifth year of study or who may experience difficulty obtaining the necessary courses.

Your Committee is in agreement that the equivalent experience provision should be deleted because it is too difficult to determine equivalency.

The requirement that a candidate be of "good moral character" was substituted by the words "has a reputation for competence, trustworthiness, and fairness" for ease in definition.

Your Committee earlier heard and recommended passage of a similar measure, H.B. No. 1340, H.D. 1. In that bill, however, your Committee provided that the optional public accounting experience be for three years. This bill has been amended to conform. In addition, nonsubstantive amendments have been made to utilize preferred bill drafting format.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 735, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 735, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 827 Consumer Protection and Commerce on S.B. No. 34

The purpose of this bill is to provide that any person engaged in the practice of speech pathology or audiology on September 1, 1981, as an employee of a local or state government agency shall be deemed to be in compliance with the licensure requirements without the need for a written examination and may practice speech pathology or audiology after September 1, 1981, provided that these employees remain employed for that purpose by the government agency. In addition, the records of the Board of Speech Pathology and Audiology shall distinguish between those employees who are licensed in accordance with the provisions of Chapter 468E and those who are deemed to be in compliance in accordance with the subsection amended by this bill.

Currently, the law states that all speech pathologists and audiologists employed by a government agency shall comply with the licensing requirements by December 31,

1984. Your Committee finds that while these professionals in the private sector should be licensed to assure the protection of the general public, in the government sector, speech pathologists and audiologists are already required to pass stringent certification requirements and academic standards.

Your Committee earlier heard the companion bill H.B. 621 and received extensive testimony. Your Committee finds there is no logic in exempting some speech pathologists and in regulating others. Therefore, your Committee recommends an equitable, across-the-board policy for exemptions of licensure requirements for speech pathologists and audiologists.

Your Committee has amended the bill (1) on page 1, line 7, by deleting the words, "or before" after the word "on"; (2) on page 1, lines 7 and 12, by changing the date September 1, 1981, to August 31, 1981; and (3) on line 8, after the word "of", by deleting the words "or under contract to". The purpose of these amendments is to identify clearly the classes of persons to which this bill applies and to prevent inappropriate and undesired broadening of the impact of this bill. Further, your Committee intends that this measure apply to employees currently working for various government agencies only so long as they continue such government employment. In the event that an individual leaves government service, he or she must comply with the licensing requirements.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 34, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 34, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 828 Consumer Protection and Commerce on S.B. No. 247

The purpose of this bill is to repeal the statutory provision which raises the amount of the surety of cash bond required of all mortgage and collection servicing agents in July 1983, from \$25,000 to \$50,000, and to add a new provision which would substitute an irrevocable letter of credit in place of this bond.

Under the present law a mortgage servicing agent must purchase a \$25,000 surety or cash bond, which increases to \$50,000 on July 1, 1983, and file a copy of the bond with the director of Commerce and Consumer Affairs.

Testimony in favor of the bill was given by the Hawaii Independent Insurance Agents Association. The Department of Commerce and Consumer Affairs testified that \$25,000 is insufficient to protect the interests of consumers and that while \$50,000 is also an insufficient amount, it is nevertheless an improvement. The Department had no objection to substituting an irrevocable letter of credit for the bond since it gives the servicing agent an alternative to the surety or cash bond which might not be readily available to the agent.

Your Committee has amended the bill in the following manner:

- (1) Retaining the statutory provision which raises the amount of the surety or cash bond required of all mortgage and collection servicing agents in July 1983, from \$25,000 to \$50,000;
- (2) Deleting the sentence, "In addition to any other remedy allowed by law, every person sustaining any damage resulting from a breach of the conditions of the bond may bring an action for the recovery under the bond of any damages sustained by such person; and
- (3) Changing the language of the new provision which substitutes an irrevocable letter of credit for the bond to reflect the first abovementioned amendment.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 247, S.D.1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 247, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 829 Consumer Protection and Commerce on S.B. No. 805

The purpose of this bill was to improve the enforcement of the no-fault law by requiring all insurers to issue for each insured motor vehicle a decal indicating current compliance with the no-fault law.

Your Committee earlier heard the companion bill H.B. 966 and recommended passage thereof. Your Committee has accordingly amended this bill to conform to H.B. 966, H.D. 2, since S.B. 805 does not address in an adequate or enforceable manner the serious problems which arise from the failure to comply with the no-fault law.

Your Committee finds that, without a no-fault decal system, the goal of improving the enforcement of the no-fault law by increasing the visibility of those who fail to comply with the law cannot be achieved.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 805, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 805, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 830 Finance on S.B. No. 1279

The purpose of this bill is to merge the Environmental Quality Commission and the Environmental Council and realign their functions with the Office of Environmental Quality Control. This bill will consolidate the fragmented functions of these groups and will streamline the evaluation and review of environmental impact statements.

Your Committee heard testimony by the Office of Environmental Quality Control stating a need to consolidate the fragmented functions among the environmental entities in order to eliminate much of the confusion related to functions and duties of environmental organizations. Realigning the various functions will make the entire environmental quality system more efficient and streamlined.

This bill will require the director of the Office of Environmental Quality Control to be an ex-officio voting member of the Environmental Council. The director will be exempt from the appointment requirements and term of membership restrictions placed on other members of the council. This bill also clarifies that the director need not be the chairperson of the council.

Your Committee has amended this bill for purposes of clarification and made other technical, non-substantive amendments.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1279, 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. 1279, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 831 Finance on S.B. No. 313 (Majority)

The purpose of this bill is to require all candidates to comply with the campaign spending limits, to allow all candidates to apply for public campaign funds, and to reduce the number of reports necessary to be filed by the candidates.

Generally, this bill:

1. Amends the definition of "advertisement" by substituting a person or committee, rather than on behalf of a candidate or a committee, which has the effect of requiring a disclaimer by each person who pays for a political advertisement;
2. Adds to the definition of "candidate" a person who expends more than \$100.00;
3. Amends the definition of "committee" to include any committee which makes contributions or expenditures in the aggregate amount of more than \$1,000 per election and requires that a committee shall register with the campaign spending commission;
4. Adds a new definition of "fund raiser" which means any function for the



benefit of a person which is designed to raise funds for political purposes for which there is a price for attending or participating in the function or any activity where the sole purpose of the activity is to raise funds;

5. Requires that all reports be preserved for two years from the date of receipt rather than five years to conform with the commission's statute of limitation;
6. Requires the filing of an organizational report for a committee after receiving any contribution or making any expenditures of more than \$100;
7. Deletes the requirement to report occupation of a contributor because occupations are usually reported in general categories;
8. Allows the transfer of funds for the office of governor or lieutenant governor in the general election;
9. Allows a candidate exemptions from the expenditure limit those expenditures incidental to a function where the sole purpose is to raise funds;
10. Deletes the section pertaining to voluntary campaign expenditure limitation;
11. Sets a limit as to amounts in campaign expenditures based upon the last census and allows an additional ten per cent increase added to the base amounts compounded annually;
12. Allows the filing of a short form report for a candidate, party, or committee whose expenditures or contributions for the reporting period are less than \$500;
13. Requires the filing of supplemental reports in the event of a deficit or surplus;
14. Raises the amounts of qualifying campaign contributions for the office of mayor in a county having less than 100,000 of registered voters and for all other offices not listed in the section to \$4,000 and \$1,000 respectively;
15. Raises the maximum amount of public funds to \$100 during an election year in either the primary or general election for the office of state senator, state representative, county council member, prosecuting attorney, board of education, and all other offices;
16. Adds "special election" to pertinent sections for statutory revision;
17. Requires that any candidate who exceeds the spending limit shall return all of the public campaign funds the candidate has received to the Hawaii Election Campaign Fund;
18. Requires public fund reports consistent with disclosure reports;
19. Allows the commission three months instead of sixty days to audit public funds received by the candidate, campaign contributions, and campaign expenses; and
20. Provides a tax deduction for all those who contribute in an aggregate amount not to exceed \$500 in any year.

Your Committee has amended this bill to correct drafting errors.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 313, 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. 313, S.D. 1, H.D. 2.

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

SCRep. 832 Finance on S.B. No. 370

The purpose of this bill is to allow the Department of Agriculture to suspend payments of principal and interest on loans made to farmers by the department under Chapter 155, Hawaii Revised Statutes.

Section 155-13(c), Hawaii Revised Statutes, presently allows a lender to extend the time for making repayments of principal on loans if the borrower is in a state of extreme

financial hardship. This bill broadens the section to allow suspension of payment of both principal and interest, if there exists financial hardship caused by, among other things, natural catastrophes.

Your Committee agrees that this bill is needed to provide financial relief to farmers who are unable to make immediate payments on state agricultural loans as a result of hardship caused by Hurricane Iwa.

Your Committee has amended this bill to delete the phrase "or suspend". Your Committee believes that although financial relief should be provided to farmers in the event of natural catastrophes by granting an extension for repayment, interest on those loans should not be suspended.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 370, 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. 370, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 833 Finance on S.B. No. 656

The purpose of this bill is to consolidate, reorganize, and clarify sections of the Hawaii Revised Statutes into new chapters relating to the Department of Land and Natural Resources.

More specifically, the bill calls for the following actions:

- (1) To consolidate, reorganize, and clarify sections of Chapters 183, 187, 191, and 192, Hawaii Revised Statutes, relating to wildlife, by creating a new Chapter 183D to be entitled "Wildlife";
- (2) To consolidate provisions relating to aquatic life in Chapter 187 into a new chapter 187A to be entitled "Aquatic Resources";
- (3) To combine provisions of these foregoing Chapters which are common to both aquatic resources and wildlife into a new Chapter 197; and
- (4) To repeal Chapters 187, 191, and 192.

In addition, the bill would clarify the Department of Land and Natural Resources' legal authority over the "aquaculture development program", specified in the new Section 187A-7, and authority to hire temporary staff exempt from the provisions of Chapters 76-77.

This bill would amend the Hawaii Revised Statutes to reflect programmatic and organizational changes that have been made administratively within the Department of Land and Natural Resources.

Your Committee made technical, nonsubstantive amendments.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 656, S.D. 1, H.D. 1, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 656, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 834 Finance on S.B. No. 741

The purpose of this bill is to simplify, make more equitable, and improve the conformance of the staggered vehicle registration system with State laws relating to county vehicular tax refunds, vehicles removed from the State, junked vehicles, and vehicles brought into the State, and to modify the present vehicular tax exemptions for stored vehicles.

Present law provides a vehicular tax grace period for vehicles brought into the State of "the remaining period of the year". Your Committee finds that this provision does not account for vehicles brought into the State from states and countries which tax vehicles less frequently than once a year. Current law also provides that this grace period applies to vehicles for which taxes have been paid in the state or country of the owner's residence. Your Committee finds that this unfairly discriminates against persons,

including Hawaii residents, who own a car licensed in a state or country other than that of their residence by requiring that they pay two taxes on the same vehicle for the same period. Therefore, your Committee favors the supports these provisions which provide that vehicles brought into the State shall be exempt from payment of county vehicular taxes and display of Hawaii license plates for the lesser of twelve months or the remaining period of the year for which taxes have been paid on the vehicle by its owner in compliance with the law of the state or country in which the vehicle is licensed.

Under present statutes, a vehicle must be currently registered before the Director of Finance can accept the junking of the vehicle. Your Committee finds that most junked vehicles cannot pass a safety inspection, a requirement for vehicle registration, and that most vehicle owners are not willing to pay vehicular taxes for a vehicle which will be junked as soon as it is registered. The result of this has been the abandonment of vehicles on both public and private property. Therefore, your Committee concurs with these provisions allowing the Director of Finance to accept, under certain conditions, the junking of a vehicle not currently registered.

Present statutes provide for refunds equal to the taxes paid for the remaining full quarters of the current registration year when a vehicle is put into storage. They also require the surrendering of the current license plates for the vehicle. They also distinguish between "certificates" stating the fact of storage which are filed with the Director of Finance between December 31 and March 31 and those which are filed at other times of the year. This provision is a hold-over from the period prior to the present "staggered" vehicle registration system. This bill would replace the term "certificate" with "affidavit", would eliminate the distinction between December-March storage and storage at other times of the year, and would provide for tax refunds for stored vehicles based on the number of full months remaining in the current registration year. It would also provide that the owner of a stored vehicle would be liable for vehicular taxes only for the period the license plates for the vehicle could have been validated by an emblem.

Finally, this bill amends the provision relating to vehicular tax refunds for junked vehicles and vehicles removed from the State in the following respects. First, it removes references to the "calendar" year. Second, it eliminates the requirement that the vehicle be "permanently" junked before a refund may be obtained. Third, it replaces the "certificate" requirement with an "affidavit" requirement. Fourth, it permits the Director of Finance to require, in addition to surrender of the vehicle's current license plates, the surrender of "any other documents". Your Committee finds that these provisions will clarify the present law, conform it with the staggered vehicle registration system, and allow the Director of Finance discretion in obtaining proof of the fact of a vehicle's junking or removal from the State.

Your Committee has made nonsubstantive, grammatical, and technical amendments to this bill on page 2, line 1; page 3, line 24; page 4, lines 1 and 16; page 5, lines 1, 11, 16, 18, and 19; and, page 6, line 14.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 741, 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. 741, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 835 Finance on S.B. No. 1288

The purpose of this bill is to permit the Boxing Commission to take immediate, temporary disciplinary action for violations of statutes or commission rules subject to the licensee's right to request a hearing in accordance with Chapter 91, Hawaii Revised Statutes.

At present, the Commission may not legally take any form of immediate disciplinary action, thus allowing a violator to continue his boxing activities until the results of a hearing are established. The time span involved in the hearing process precludes any meaningful, immediate disciplinary action when it is most needed and appropriate.

This bill would allow the Boxing Commission to take immediate, temporary disciplinary action for violations. This measure would also permit immediate Commission action on obvious or technical violations such as being overweight; being late for weigh-ins or bouts; wearing improper trunks; and coaching from the corners.

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1288, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1288, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 836 Finance on S.B. No. 937

The purpose of this bill is to implement the constitutional mandate to provide a tax refund or tax credit when, under certain conditions, there is a balance in the state general fund.

Article VII, section 6, of the Constitution of the State of Hawaii requires the legislature to provide for a tax refund or tax credit to the taxpayers of the State whenever the state general fund balance at the close of each of two successive fiscal years exceeds five per cent of general fund revenues for each of the two fiscal years. Since these factors have been met for the third year in a row, this bill is necessary to satisfy the constitutional mandate.

This bill has been amended to provide for a general income tax credit of \$1 in addition to any other credit allowed under the Hawaii income tax law. This \$1 credit is to be multiplied by the number of qualified exemptions; provided that the qualified exemption has been a resident of the State for at least nine months. Multiple exemptions because of age, for deficiencies in vision, hearing, or other disability shall not be allowed.

The credit shall not be available to any person convicted of a felony and committed to prison for the full taxable year; to any person committed to a youth correctional facility for the full taxable year; or to any misdemeanant committed to jail for the full taxable year.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 937, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 937, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 837 Finance on S.B. No. 994

The purpose of this bill is to authorize the department of health to make a loan to Molokai General Hospital.

Currently, Molokai General Hospital faces a substantial negative cash flow and additional liabilities in loans, trade, and other payables, some of them dating back to June 1982. A loan from the State will help solve Molokai Hospital's current debt problem and allow it to continue to provide needed health services to the residents of Molokai.

The sum appropriated may be used for fiscal years 1982-83 and 1983-84, since Molokai Hospital's situation is critical, this provision would allow for the implementation of the loan and the payment of some of its debts before July 1, 1983.

Your Committee has amended this bill by changing the loan and appropriation amount to \$1.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 994, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 994, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 838 Health and Judiciary on S.B. No. 631 (Majority)

The purpose of this bill is to change the standard of proof for involuntary civil commitment under the mental health law from "beyond a reasonable doubt" to "upon clear and convincing evidence". The bill retains the standard of "beyond a reasonable doubt" for the first two criteria which go to past behavior and acts examined in civil commitment proceedings.

The bill also addresses hospitalization procedures for non-emergency treatment or supervision at a psychiatric facility.

Your Committees have heard testimony from the Department of Health, the Honolulu Prosecuting Attorney, the Public Defender's Office, the Family Court, the Hawaii Nurses Association, and the Hawaii Families and Friends of Schizophrenics in support of lowering of the standard of proof. They have expressed their concerns and frustrations with the present system which, in effect, requires mentally ill people to hurt themselves or others before they can receive appropriate care and treatment through involuntary hospitalization. Changing the standard will make it possible to provide health care for persons at an earlier stage of mental illness and should result in shorter hospital stays and more rapid improvement for such individuals.

Your Committees also have heard testimony from the Mental Health Association of Hawaii and the American Civil Liberties Union which have expressed their concern with the protection of the rights of mentally ill persons in involuntary civil commitment proceedings.

Your Committees find that the standard of proof for involuntary civil commitment should be "upon clear and convincing evidence," the standard approved by the U.S. Supreme Court in Addington v. Texas, 99 S. Ct. 1804 (1979). Your Committees find that this standard will permit the courts to honestly address all the findings the court must make in establishing that the three criteria for involuntary hospitalization have been met and will still provide full protection and assurance to the subject of the involuntary hospitalization proceedings that there will be no denial of the subject's right to freedom from restraint without a clear and convincing showing of need for such temporary restraint.

In addition, the Family Court, which conducts all proceedings for involuntary civil commitment, has testified that the criterion of danger to self or others should not be "beyond a reasonable doubt." Although a court can apply the criminal standard of proof of "beyond a reasonable doubt" to determine whether or not a person committed an act which is dangerous to self or others, the criterion for civil mental commitment requires that the court make the finding that the person "is dangerous." Even the criminal law does not require such a finding as to the status or mental condition of a person accused under the criminal law, only the finding that he did or did not commit an act which is in violation of the law as alleged in the criminal complaint. Thus to require the Court to apply the criminal standard of burden of proof in order to determine the status of an individual for whom treatment is sought as "dangerous," not just to determine that he committed a dangerous act, is unrealistic and more onerous than is mandated by the State's criminal law.

Accordingly, your Committees have amended the bill by requiring that the standard of proof shall be "upon clear and convincing evidence" for all criteria examined in involuntary civil commitment proceedings.

Your Committees have further amended the bill by adding the word "imminently" to page 1, line 9, of the bill and deleted "or to property" in page 1, lines 9 and 10, to conform with case law.

Your Committees have also accepted the recommendation made by the Public Defender to require that notice be given if the petitioner intends to adduce evidence to show that the subject is an incapacitated or protected person, or both, under Article V of chapter 560, and to state whether or not appointment of a guardian of the person is sought at the hearing. If appointment of the guardian of the person is to be recommended and a nominee is known at the time the petition is filed, the identity of the nominee is required to be disclosed. The bill has been amended accordingly.

Your Committees find that this bill clarifies the responsibilities of the court and the hospital regarding involuntary commitment cases and the process of hospitalization and discharge. The specifics provided under this measure encourage accountability of all parties involved in the process for each patient.

Your Committees on Health and Judiciary are in accord with the intent and purpose of S.B. No. 631, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 631, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 839 Consumer Protection and Commerce on S.B. No. 191

The purpose of this bill is to delete the requirement that the Board of Certification for Practicing Psychologists submit an annual report to the Governor.

A memorandum issued by the Deputy Director of Commerce and Consumer Affairs indicates that of the thirty boards and commissions placed within the Department of Commerce and Consumer Affairs, fifteen are required to submit annual reports either to the Governor or the Legislature. Your Committee finds that the Legislature's ability to elicit information will not be affected if the annual report is eliminated since quarterly reports are provided to the Department of Commerce and Consumer Affairs. Furthermore, your Committee has been assured that any information called for in the annual report is readily available to the Governor upon request. The Board of Certification for Practicing Psychologists supports this position.

Your Committee has amended the qualifications for reciprocity to require that an applicant also be in good standing in the jurisdiction in which the applicant is certified or licensed. In addition, nonsubstantive changes for the purposes of conforming to recommended drafting style and correcting typographical errors have been made.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 191, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 191, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 840 Housing and Consumer Protection and Commerce on S.B. No. 1003

Your Committees find that the intent of the bill is to allow the advertising and conditional sale of lots in a subdivision upon receipt of preliminary approval of the subdivision from the county.

Present state law requires that subdivisions have final approval before lots can be advertised or sold.

To obtain final approval from the county, various conditions must be met. For example, in the City and County of Honolulu, detailed working drawings of the subdivision must be prepared and either park dedication fees must be paid or bonds posted. The improvements must be completed and the City and County of Honolulu must either grant final acceptance of the improvements (all roads and easements dedicated) or bonds must be posted with the City.

Since most subdivision projects are financed through construction loans, developers post bonds rather than complete improvements by cash.

Before the construction bonds are approved by the developer's bonding company, the bonding company requires that the construction lender issue a set-aside letter. The set-aside letter guarantees the bonding company that funds will be available to complete the subdivision if the developer defaults in any manner. The construction lender, however, will not issue the bonds needed by the developer to receive final approval of the subdivision from the City and County of Honolulu until the lender is assured that the project is viable. The lender usually requires developers to pre-sell enough lots to cover the construction loan to assure that the project is viable before the lender issues a set-aside letter. The developer, however, cannot sell lots legally until he or she receives final approval of the subdivision from the City. This is a catch-22.

This bill amends the state law to allow sale of lots upon preliminary approval of the subdivision if the purchaser is allowed to cancel the transaction when any material difference exists between the lot or terms of the purchase between the preliminary and final approvals. This procedure is similar to condominium law procedures.

The bill also makes various housekeeping amendments to the law.

The bill also raises registration fees and inspection expenses to realistic levels and permits the Director of Commerce and Consumer Affairs to adopt new fees from time to time.

Your Committees made two amendments to section 484-20. Subsection (b)(3) was

amended to provide for inspections of all subdivisions. Subsection (e) was amended to clarify that the cost of the inspections is to be borne by the applicant.

Your Committees on Housing and Consumer Protection and Commerce are in accord with the intent and purpose of S.D. No. 1003, S.D. 1, as amended herein, and recommend that 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. 841      Judiciary and Consumer Protection and Commerce on S.B. No. 800

The purpose of this bill is to allow claims against entities employing design professionals, to enable the chairperson of the design professional conciliation panel to terminate the claims hearing upon the mutual consent of the parties, to allow other parties against whom claims have been made to attend the panel hearings, and to provide for retroactive application of chapter 672.

Your Committees find that there is a need to clarify present law so that claims may be filed against corporations and other entities employing a design professional as well as the design professional individually.

Your Committees further find that the parties to the claims hearing should have the option to waive the claims hearing by mutual consent and to litigate any claims pursuant to section 672-8, Hawaii Revised Statutes. Allowing the chairperson of the design professional conciliation panel to terminate the claims hearing upon the mutual consent of the parties when the hearing would not be beneficial to the parties or when a resolution to the dispute has been reached or when going forward with formulating a panel may not be necessary.

Because of questions raised as to whether or not the provisions of chapter 672 apply to claims which arose prior to the effective date of the chapter but on which no legal action had been initiated as of the effective date, this bill makes it clear that such claims are covered by chapter 672.

Your Committees have amended the bill by adding that the department of commerce and consumer affairs may terminate proceedings after a claim has been filed with the department by mutual consent of the parties involved.

Your Committees have further amended the bill by deleting the provision pertaining to other parties who are non-design professionals participating in the design professional conciliation panel hearing. A question was raised as to the extent of participation these non-professionals may have in the conciliation panel. Your Committees find that it is not necessary to include them in the design professional conciliation panel hearing at this time. More experience is needed with the conciliation panels before this amendment in procedure should be made.

Your Committees on Judiciary and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 800, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 800, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 842      Finance on S.B. No. 122

The purpose of this bill is to clarify certain aspects of Chapter 92E, Hawaii Revised Statutes, relating to the Fair Information Act, that affect the Vital Records Program.

According to testimony, great costs are incurred by the Department of Health when searches must be implemented to secure old or obscure records. This bill amends section 92E-7 to allow the agency to charge for these costs, thus saving the agency some of its expenses.

Presently, it is the Department of Health's policy to allow an individual to have a factual error in his personal records corrected without necessarily submitting proof of the item in error. This bill amends section 92E-8 to require an individual requesting an amendment to a record to submit substantiating evidence of that error.

This bill also amends section 92E-11 so that an employee must be shown to have knowingly violated a provision of the section before the agency can be found liable.

Your Committee has made nonsubstantive technical amendments to this bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 122, 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. 122, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 843 Finance on S.B. No. 907

The purpose of this bill is to allow the Land Use Commission to charge a reasonable fee for the filing of petitions, and to provide a penalty for parties who fail to appear at hearings.

Your Committee finds that providing for fees and penalties will help defray the operating costs and encourage the attendance of petitioners to hearings before the Land Use Commission.

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 907 and recommends that it pass Third Reading in the form attached hereto as S.B. No. 907, H.D. 1.

Signed by all members of the Committee.

SCRep. 844 Finance on S.B. No. 775

The purpose of this bill is to restate, reiterate, and clarify the intent of the legislature in enacting sections 294-6(a) and 294-36(b), Hawaii Revised Statutes, concerning the barring of suits by uninsured motorists for injuries sustained in motor vehicle accidents.

That intent was originally, and still remains:

- (1) To prevent a person who is ineligible for no-fault benefits from bringing a civil action if the medical-rehabilitative limit is not reached within two years of the date of the motor vehicle accident; and
- (2) To deter persons from driving without motor vehicle insurance coverage, not only through criminal penalties, but further through a limitation on the ability of uninsured motorists to recover for injuries in tort which are more stringent than the limitation placed on law-abiding citizens who have obtained the insurance coverage required by law, and who are thus entitled to no-fault benefits.

Your Committee agrees that failure to purchase insurance in contravention of the No-Fault laws should be firmly discouraged. Uninsured motorists increase the cost of insurance for those who obtain the coverage required by law and also place an unnecessary burden on public welfare resources.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 775, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 845 Finance on S.B. No. 520

The purpose of this bill is to reduce the time period during which delinquent tenant rent accounts for federal low-rent housing units must remain on the accounts receivable records of the Hawaii Housing Authority.

The federal Department of Housing and Urban Development (HUD) informed the Hawaii Housing Authority (HHA) that one of HUD's highest management priorities this year is to reduce tenant accounts receivable to less than one percent for each public housing



agency in Region IX. HHA's delinquency rate is currently at five percent. HUD informed HHA that, unless the rate is reduced, the Authority will experience a decrease in the amount of future discretionary funding it receives. The Authority may lose approximately \$8 million in such discretionary funds.

Your Committee heard testimony that the high delinquency rate is primarily attributable to HHA's accounting procedures. Section 40-82, Hawaii Revised Statutes, requires that no delinquent accounts be deleted from the Authority's record unless the accounts have been delinquent for two years.

Your Committee is concerned with the possible loss of \$8 million in federal money to HHA. Your Committee finds that HHA's accounting policy should conform with the policies of other public housing agencies by reducing the time period during which delinquent rent accounts must remain on HHA's records from two years to ninety days. Your Committee was assured that appropriate collection action will continue to be taken on the delinquent accounts regardless of whether or not they are dropped from the HHA records. To further pursue this course of action, the bill also provides that delinquent accounts which are removed from HHA records after ninety days may be assigned to a collection agency.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 520, H.D. 1 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 846      Finance on S.B. No. 418

The purpose of this bill is to designate that area at Keahole acquired under the authority of item C-51, section 1, Act 40, Session Laws of Hawaii 1968 as "Kona Airport."

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 418, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 847      Finance on S.B. No. 368

The purpose of this bill is to reassign school vehicle safety responsibilities to the Department of Transportation, so that they will be responsible for school bus safety rules and standards relating to school vehicles, equipment and drivers. The responsibilities for the Department of Transportation will include vehicle equipment inspection and maintenance, and the monitoring and enforcement of safety standards, while the Department of Education will be responsible for school vehicle passenger safety and conduct.

Your Committee finds that this reassignment of duties recognizes current practice among the departments, and this bill should clarify departmental responsibilities and appropriately assign duties according to department function.

Your Committee also concurs with prior amendments to the bill which included an appropriation out of the state highway fund for the sum of \$183,316 or so much thereof as may be necessary to carry out the purpose of this act. The sum appropriated shall be expended by the Department of Transportation.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 368, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 848      Finance on S.B. No. 366

The purpose of this bill is to maintain a workable number of members on the Commission on Transportation following the reapportionment of State electoral districts in 1982.

Under existing law, one commission member is to be selected from each senatorial district and three members are to be selected at-large, for a total of eleven members. Prior to reapportionment there were eight senatorial districts. Following reapportionment and the establishment of twenty-five single-member senatorial districts, the Commission's

membership would expand to twenty-eight, an unwieldly number.

The present bill would provide the Commission with a manageable membership size of thirteen, with one member from each county under 200,000 in population, one from each "district" in each county over 200,000, and three at-large members. "District" would be as defined in Section 4-1, Hawaii Revised Statutes. Your Committee finds that setting a population threshold of 200,000 would be consistent with State and federal standards for other programs, would equitably allow Oahu to obtain greater representation in accordance with its greater population and service needs, and would provide a stable basis for the selection of members inasmuch as no neighbor island is expected to exceed this population in the near future and the number of districts specified in Section 4-1 has not changed in over twenty years.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 366, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 849      Finance on S.B. No. 115

The purpose of this bill is to repeal the State's current unclaimed property law, codified in the Hawaii Revised Statutes as Chapter 523, and to enact a revised Uniform Unclaimed Property Act in the form recommended by the National Conference of Commissioners on Uniform State Laws.

Under present law, Chapter 523, HRS, is based on the Uniform Unclaimed Property Act adopted by the National Conference of Commissioners on Uniform State Laws in 1954 and revised in 1966. However, as a result of the U.S. Supreme Court decision that unclaimed intangible property is payable to the state of last known address of the owner (579 U.S. 670 1965), the Commissioners further recommended changes in the Uniform Unclaimed Property Act of 1981. The Supreme Court's decision resolved the problems of conflicting claims by states to property presumed abandoned in other states.

The significant changes to Hawaii's current uniform unclaimed property law, as contained in this bill, include: reducing the period within which property may be presumed abandoned from 7 years to 5 years; limiting assessment of charges against inactive or dormant accounts; including underlying securities of unclaimed dividend interest checks as unclaimed property; providing for the filing of negative reports as may be required by the Director of Finance; and establishing a retention period for records of unclaimed property.

Your Committee finds it appropriate for the State of Hawaii to conform its unclaimed property law to those of other states.

Your Committee concurs with prior amendments to this bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 115, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 850      Finance on S.B. No. 1050

The purpose of this bill is to provide high school students with greater access to classes outside their districts.

Under present policy of the Department of Education, a student may be granted a school district exemption to enroll in a specific class in another district if that class is not offered in the student's own school or district. This bill gives statutory authority for such exemptions.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1050, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 851 Finance on S.B. No. 1045

The purpose of this bill is to direct the Board of Education and the Governor to enter into negotiations with the appropriate agency of the federal government in order to have the federal government assume the obligation to educate federally connected students.

The Federal Impact Aid Program was enacted in 1950 to assist school districts whose property tax base was reduced by federal ownership of property or which had to educate an increased school population as federal installations were established. Hawaii has received impact aid funds since 1951-52, but receipts have been \$55 million less than the entitlements in the past 15 years or so. Not only has the federal government shown no inclination to redress this imbalance, but the present administration has attempted to eliminate the program altogether or reduce the entitlements even further.

Reduced state revenues, as we are currently experiencing, coupled with less-than-fair federal reimbursements will jeopardize educational quality for all students. The State could lessen the impact of the former if it could obtain redress in the latter. To this end, this bill directs the Board of Education and the Governor to enter into negotiations to secure the federal government's assumption of its obligations.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1045, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 852 Finance on S.B. No. 1008

The purpose of this bill is to locate the Commission on the Year 2000 within the University of Hawaii for administrative purposes.

Your Committee finds that the Commission was established in 1970 to study the changes and effects on the State generated by scientific and technological activity. Since July 1, 1981, the Commission has been inactive because no State funds were appropriated for its operations.

Your Committee finds that although fiscal pressures have precluded funding of the Commission, there remains a need for an independent state agency whose mission is to assist the State in meeting the changes and challenges posed by scientific and technological activity. In view of the State's increasing interest and involvement in high technology research and industrial enterprises, your Committee believes the functions of the Commission will become even more valuable in the years ahead.

Your Committee therefore supports the continuation of the Commission and its relocation to the University of Hawaii for administrative purposes. Your Committee believes that locating the Commission within the University would highly complement the growing scientific and technological research at the University and facilitate the study of social and economic impacts resulting from the findings obtained in related areas.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1008, H.D. 1 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 853 Finance on S.B. No. 1254

The purpose of this bill is to amend sections of the Hawaii Revised Statutes relating to course equivalencies and tuition fees at the University of Hawaii. The bill amends Section 305E-1, Hawaii Revised Statutes, by expanding the scope of the University's college-credit equivalency program to include those students who have successfully completed a military training program. This bill also allows college credits to be awarded to students for work or other experiences at the discretion of the University, provided students meet the qualifications in Section 305E-1. The bill also amends Section 304-14.6, Hawaii Revised Statutes, repealing the sunset provision for granting tuition waivers to qualified Hawaii National Guard and Army Reserve members.

Testimony presented has shown that the tuition waiver is an incentive by which the National Guard and Reserve attract more self-motivated young people to enlist and continue with the services as a career. Statistics show that the program has met its objectives by boosting enlistment and reenlistment participation, increasing morale, and thus

producing more competent personnel. Toward this end, the program has proven itself and should be permanent rather than temporary.

The bill also amends Section 304-4, Hawaii Revised Statutes, repealing nonresident tuition differential waivers by reciprocity.

Your Committee finds that under the present reciprocity agreement, there are more nonresident students traveling to Hawaii to attend the University of Hawaii than there are Hawaii residents traveling abroad to attend the various participating universities. For this reason the committee supports the repeal of the nonresident tuition differential waivers by reciprocity, but agrees that the Board of Regents continue to have the authority to enter into reciprocity agreements.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1254, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 854 Finance on S.B. No. 1082

The purpose of this bill is to require the Land Use Commission to adopt rules pursuant to Chapter 91 and 92, Hawaii Revised Statutes, to ensure that its decision-making process conforms with The Hawaii State Plan and State Functional Plans.

This bill has been introduced to implement one of the recommendations made in the report entitled State Land Use Management Study by Daly and Associates, Inc. This study examines the relationship between the Hawaii State Plan and the present land use management system and recommends comprehensive and integrated changes to management and regulatory procedures.

Among its major findings, the Daly study recommended that the LUC should be given more specific policy guidance. In this regard, your Committee notes that the Legislature has enacted The Hawaii State Plan which contains overall themes, goals, objectives, and priority directions for state action. Relatedly, the Legislature is considering the adoption of State Functional Plans which elaborate on The Hawaii State Plan and identify implementing actions needed to effectuate its provisions.

Although the Daly study indicates that The Hawaii State Plan could have better provisions regarding land use management, the issue of improving the system should begin with The Hawaii State Plan. The Hawaii State Plan currently requires land use decision-making processes to conform to the overall theme, goals, objectives, policies, and priority directions and the implementing actions of the State Functional Plans. Your Committee feels that effectuating this mandate is the most preliminary step for comprehensive and coordinated change of the land use management system. In requiring the Land Use Commission to adopt rules to conform its decision-making processes to The Hawaii State Plan and State Functional Plans, your Committee feels that the rules will provide a solid base for the land use management system upon which further change can be built with assurance.

Your Committee also notes that the Department of Planning and Economic Development is conducting a review of the entire land use management system of the State, of which the Land Use Commission is only a part. The findings of this review will allow the Legislature to take the necessary actions to reform the system in a manner consistent with The Hawaii State Plan and responsibilities of all state agencies.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1082, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 855 Finance on S.B. No. 965

The purpose of this bill is to include under the Hawaii Development Revolving Fund, Section 359-151, Hawaii Revised Statutes, housing projects which will be developed under government assistance programs.

Section 359-151 currently allows the Hawaii Housing Authority (HHA) to make loans to nonprofit entities for feasibility studies, through what are commonly called "seed money" loans. Currently, these loans are limited to housing projects which will be

developed using federal funds.

Your Committee heard testimony that because of federal cutbacks, there are fewer federal projects in existence, and therefore fewer projects which currently qualify for seed money loans.

Your Committee believes that the definition of eligible housing projects should be expanded to include State and county government assisted programs as well as federal programs, so that the seed money program may be more fully utilized.

Your Committee also concurs with prior amendments to the bill which expand the definition of "nonprofit entity". The Committee believes that the definition should not be limited to the Internal Revenue Code section 501(c)(3) since other qualified nonprofit entities attain their charitable status under other sections of the law. Citing one section may preclude other qualified organizations from the benefits of this section.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 965, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 856      Finance on S.B. No. 904

The purpose of this bill is to establish fair dealership standards for dealers of office machines.

This bill would add a new chapter to the Hawaii Revised Statutes, establishing standards for the conduct of business between suppliers of office machines and dealers.

Small businesses selling and servicing office machines desire the adoption of fair dealership regulations to provide a legal base by which disputes between manufacturer-supplier and dealers can be settled. Small dealers feel they are not being treated fairly and equitably because suppliers can discontinue any line of products without notice and the dealers have no legal recourse at present.

Your Committee concurs with previous amendments to this bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 904, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 857      Public Employment and Government Operations on S.B. No. 806

The purpose of this bill is to provide for subcontractors to be paid their portion of a construction contract within ten days of the time that the general contractor is paid.

Under present law there is no provision which requires prompt and timely payments by contractors to their subcontractors. As a result, serious payment problems are sometimes encountered with general contractors. Attempts by the various trade associations over the years to control these problems have unfortunately not been effective.

According to testimony, subcontractors are businessmen just like general contractors and deserve payment promptly for work that has been performed and approved by the government's inspectors. It is believed, also, that ten days is not unreasonable to disburse the money to all subcontractors who worked on the job.

Your Committee is in agreement that this bill is necessary so that general contractors transmit the retained monies owed to their subcontractors in an expeditious manner.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 806, 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. 858 Public Employment and Government Operations on S.B. No. 511

The purpose of this bill is to delete references to the public management committee and to substitute chairperson for chairman in Section 89-5, Hawaii Revised Statutes.

According to testimony, the final draft of Senate Bill 1696-70, which was subsequently codified as Chapter 89, HRS, deleted the section which established a public management committee. However, it appears that the Legislature inadvertently failed to delete reference to the public management committee in other sections of the bill.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 511 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 859 Public Employment and Government Operations on S.B. No. 509

The purpose of this bill is to clarify the quorum requirement of the Hawaii Public Employment Relations Board.

Section 89-5, HRS, as originally enacted in 1970, provided for a board composed of five members of which three members constituted a quorum. In 1971, this section was amended by reducing the composition of the board from five members to three members. The quorum requirement of three members, however, was not changed to conform to the reduced size of the board.

According to testimony, it was an oversight of the 1971 legislative committee to not change the quorum requirement of three to conform to the reduced size of the board. This bill deletes the sentence referring to the three member quorum and thus provides that a majority of all members to which the board is entitled shall constitute a quorum.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 509 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 860 Public Employment and Government Operations and Ocean and Marine Resources on S.B. No. 363

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

According to testimony, this bill amends Sections 26-15 and 171-3, HRS, in order to comply with the administrative transfer of the Aquaculture Development Program from the Department of Planning and Economic Development (DPED) to the Department of Land and Natural Resources (DLNR) and the recent reorganization of the DLNR where the wildlife and aquatic life activities are separated into the Division of Forestry and Wildlife and the Division of Aquatic Resources, respectively.

Your Committees on Public Employment and Government Operations and Ocean and Marine Resources are in accord with the intent and purpose of S.B. No. 363 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 861 Water, Land Use, Development and Hawaiian Affairs on S.B. No. 760

The purpose of this bill is to amend Section 205A-33, Hawaii Revised Statutes, to extend the application of injunctions for violations of the coastal zone management law to include agencies.

Under present law any person violating any provision of Chapter 205A may be enjoined by the circuit court by mandatory or restraining order necessary or proper to effectuate the purposes of this Chapter in a suit brought by the authority or the lead agency.

However, the definition of "person" does not include agencies. This omission should be corrected because violations by "agencies" as well as "persons" do occur.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of S.B. No. 760, 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 Consumer Protection and Commerce on S.B. No. 777

The purpose of this bill is to update the law on mortgage loans by amending the definition of "foreign lender".

In the past three years, great changes have been effected in the lending industry through federal deregulation and the granting of expanded powers to lending institutions. First enacted in 1961, the definitions portion of the law on mortgage loans was last amended in 1970 and does not provide for the changes which have occurred in the lending industry and the character of the institutions which participate in the national secondary, or resale, market with respect to mortgage loans. This has the effect of limiting those companies which can qualify for foreign lender status under Hawaii law. Hawaii is a capital scarce state and limitations on participation in Hawaii's mortgage market will be removed by these changes, thereby facilitating a flow of capital into the State.

Specific changes in the definition of "foreign lender" are as follows:

1. The enumeration of three specific institutions in clause (A) is deleted and a single reference to a section of the Depository Institutions Deregulation and Monetary Control Act of 1980 is substituted. That Section enumerates insured banks, mutual savings banks, savings banks, credit unions, members of the Federal Home Loan Bank and insured institutions under the National Housing Act. All the institutions referred to are regulated under federal statutes and their deposits are insured. The change broadens the types of institutions which can qualify for foreign lender status while limiting that status to institutions subject to federal regulatory authority.
2. The substance of clause (C) is relocated to clause (D) and a new classification of lender, those which are approved for participation in mortgage insurance programs under the National Housing Act, is added. There are a number of lenders which do not come within any existing classification of foreign lender but are authorized to participate in mortgage insurance programs under the National Housing Act. These lenders are all regulated by the Secretary of Housing and Urban Development and must meet specified standards of operation to continue participation in the mortgage insurance programs. As with the change to clause (A), the lenders eligible for foreign lender status by virtue of this change are subject to federal regulatory authority.
3. The substance of clause (C) is relocated to clause (D) to broaden the classification of lenders which may qualify to include those whose stock is owned by a lender approved by the Secretary of Housing and Urban Development.
4. Clause (E) is a new provision necessitated by the changes brought about by the Depository Institutions Deregulation and Monetary Control Act of 1980 and the Garn-St. Germain Depository Institutions Act of 1982. Both of those acts empowered federally regulated and insured institutions to engage in various activities through affiliated companies. Those affiliated companies may engage in lending activities and are afforded foreign lender status in view of the fact that they are federally regulated.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 777 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 863 Consumer Protection and Commerce on S.B. No. 769

The purpose of this bill is to allow industrial loan companies to assess an appraisal fee.

Currently, an industrial loan company is permitted to collect an appraisal fee from the borrower which is actually paid to third parties with no portion of the fees actually benefitting the industrial loan company.

This bill will permit an industrial loan company to assess a fee for an appraisal and utilize qualified and competent appraisers who are either independent or connected with the company. This practice is currently permitted by banks and savings and loan associations.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 769, 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. 864 Consumer Protection and Commerce on S.B. No. 1295

The purpose of this bill is to permit a service corporation regulated by the State of Hawaii to engage in any activity permitted a federally chartered service corporation and such other activities as the bank examiner may approve, and to provide that other approved service corporations of state chartered associations will also have the same powers as a federal savings and loan association service corporation.

Service corporations are business entities which are owned by savings and loans associations. They provide savings and loan associations with a means through which they may engage in a wider range of activity with broader investment authority. Through a service corporation, a savings and loan association is able to offer a greater diversity of services to meet the needs of the public.

Your Committee received favorable testimony from International Savings and Loan Association, State Savings, Territorial Savings and the Department of Commerce and Consumer Affairs.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1295, 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. 865 Consumer Protection and Commerce on S.B. No. 1339

The purpose of this bill is to require the consent of one spouse in order for the other spouse to obtain life or disability insurance contracts on the one spouse.

Currently, a spouse may effectuate a life or disability insurance contract upon the other spouse without the other spouse's consent. This bill deletes statutory provisions which allow a person to obtain such insurance without the insured spouse's consent. The bill is designed to prevent life insurance policies from being taken out where there exists the moral hazard that the person receiving benefits under the contract would benefit more from the insured's death than from their continued survival.

Your Committee notes that this measure does not in any way eliminate the ability of spouses or any other persons with an insurable interest in the individual being insured from obtaining a life or disability insurance contract with their consent.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1339, 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. 866 Consumer Protection and Commerce on S.B. No. 178

The purpose of this bill is to more clearly delineate the conduct for which the Board of Medical Examiners may initiate disciplinary action against licensees.

Under current law, disciplinary action against licensees may be initiated for unethical conduct as defined by Section 453-8, Hawaii Revised Statutes, which does not include standards of ethical conduct established by the Hawaii Medical Association or the American Medical Association.

This bill amends Section 453-8 to include acts contrary to the standards of ethics adopted by the Hawaii Medical Association or the American Medical Association and violations of the Uniform Controlled Substance Act or regulations adopted under the Act as conduct subjecting physicians to disciplinary action.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 178 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 867 Consumer Protection and Commerce on S.B. No. 185

The purpose of this bill is to delete the statutory requirement that the Board of Pharmacy submit an annual report to the Governor.

A memorandum issued by the Deputy Director of the Department of Commerce and Consumer Affairs states that of the thirty boards and commissions registered with the Department, fifteen are required by law to submit an annual report. Your Committee, upon review of the annual report requirement, finds that the requirement is unnecessary and results in added costs to certain boards and commissions.

The bill also changes references in the law to the Department of Regulatory Agencies to reflect the name change to the Department of Commerce and Consumer Affairs, a title change made during the 1982 legislative session to more accurately reflect the Department's present jurisdiction over the area of commerce, consumer concerns, and complaints.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 185, 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. 868 Consumer Protection and Commerce on S.B. No. 469

The purpose of this bill is to prohibit no-fault insurance premium increases due to accidents for which the insured was not at fault.

Although the Insurance Division of the Department of Commerce and Consumer Affairs has interpreted existing law to prohibit such a practice, there is question as to whether the department's interpretation will withstand judicial scrutiny.

Your Committee finds that there is a need to clarify the no-fault law to specify that premiums shall not be increased due to accidents in which the insured was not at fault.

Your Committee heard testimony from the Department of Commerce and Consumer Affairs that they are in support of this measure which corresponds to their present interpretation of the law. The Hawaii Independent Insurance Agents Association supported the concept of the bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 469 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 869 Consumer Protection and Commerce on S.B. No. 242

The purpose of this bill is to delete the requirement that the Board of Pilot Commissioners submit an annual report to the Governor.

A memorandum issued by the Deputy Director of Commerce and Consumer Affairs indicates that of the thirty boards and commissions placed within the Department of Commerce and Consumer Affairs, fifteen are required to submit annual reports either to the Governor or the Legislature.

Your Committee finds that the Legislature's ability to elicit information will not be affected if the annual report is eliminated especially since quarterly reports would still be provided to the Department of Commerce and Consumer Affairs. Furthermore, your Committee has been assured that any information called for in the annual report is always readily available to the Governor upon request.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 242 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 870 Consumer Protection and Commerce on S.B. No. 22

The purpose of this bill is to amend Section 514A-85, Hawaii Revised Statutes, by requiring the manager or board of directors to keep monthly records of delinquent assessments and to have these records available for inspection by the apartment owners.

Testimony in favor of the bill was provided by the Real Estate Commission, the Hawaii Association of Realtors, and a condominium owner. The Hawaii Association of Realtors concurred with the requirement of keeping monthly statements, but maintained that it is also necessary to balance the individual owner's right to privacy against the rights of other apartment owners to have access to information which might affect their financial interests.

Your Committee finds that presently the law is unclear as to whether records of delinquent assessments may be examined by apartment owners. The bill would clarify what records should be kept and made available for inspection by apartment owners.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 22 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 871 Consumer Protection and Commerce on S.B. No. 40

The purpose of this bill is to extend the Board of Public Accountancy which is under Sunset Review, for another six years to December 31, 1989.

This bill would allow continued government regulation of accountancy to protect the public from any harm that might result from incompetent or substandard auditing and the rendering of unreliable opinions of financial statements.

Your Committee had earlier heard and recommended passage of the companion House Bill No. 688.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 40 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 872 Consumer Protection and Commerce on S.B. No. 192

The purpose of this bill is to delete the requirement for the Board of Public Accountancy to submit an annual report to the Governor.

Currently, the board is required by law to submit an annual report to the Governor. Although annual reports have not been submitted in the past, the department stands ready to provide any information to the Governor or Legislature upon request. Your Committee feels this is sufficient.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 192, 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. 873 Consumer Protection and Commerce on S.B. No. 558

The purpose of this bill is to empower the Commissioner of Securities to adopt rules which would permit the exemption of private or semi-public securities offerings.

Your Committee finds that the current exemption was modified substantially by the Securities and Exchange Commission which created uncertainty requiring clarification by an Attorney General's opinion. Your Committee finds that in order to adequately keep up with the rapid changes in the securities industry and related areas, and to avoid further legal confusion, it would be beneficial to be able to conform Hawaii's laws through rule-making procedures rather than legislative means.

Your Committee received favorable testimony from the Department of Commerce and Consumer Affairs.

Your Committee earlier heard the companion House Bill No. 431 and had amended it to H.B. No. 431, H.D. 1, to conform to this bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 558 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 874 Consumer Protection and Commerce on S.B. No. 41

The purpose of this bill is to extend the Real Estate Commission, which is under Sunset Review, for another six years to December 31, 1989.

This bill would allow continued government regulation of salesmen and brokers in order to protect the public from any improper or incompetent practices by real estate salesmen and brokers.

Your Committee finds that while licensing does not eliminate misrepresentation or deceit, it provides minimal educational standards for entry into the profession, and a means for the consumer to seek remedy and restitution for financial losses resulting from the actions of the licensee.

Your Committee had earlier heard and recommended passage of the companion House Bill No. 687.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 41 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 875 Consumer Protection and Commerce on S.B. No. 791

The purpose of this bill is to require, upon reasonable notice, that insurers report claims information the Insurance Commissioner may deem necessary to protect the public interest.

Your Committee heard testimony from the Department of Commerce and Consumer Affairs that in the aftermath of Hurricane Iwa, the Insurance Commissioner requested certain information regarding claims to determine whether insurers were servicing claimants expeditiously. Although carriers complied with the Commissioner's request,

the Commissioner had no statutory authority to require that the requested information be transmitted if an insurer had proved recalcitrant. This bill would provide the Insurance Commissioner with that authority.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 791 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      Education on H.R. No. 346

The purpose of this resolution is to have the Department of Education and the Department of Budget and Finance develop an agreement to streamline the procedures for the purchase or lease of computer equipment to be used in classroom instruction. Further, such procedures shall be structured so that the approval process shall take no more than ten working days from the time a request is submitted by the schools to the time when a decision is made by the Department of Budget and Finance.

Your committee finds that the Department of Education and the Department of Budget and Finance are in agreement that computers in education are an extremely important facet of quality education. The current review process for the purchase or lease of computer equipment requires approximately thirty days within the Department of Education and approximately thirty days within the Department of Budget and Finance. This long review process tends to discourage schools that are ready to implement a computer instruction program in their school. It is the intent of this resolution to assist in expediting the review process.

The Department of Education's Data Processing Branch has just completed the development of the specifications for the purchase or lease of computer equipment. With these specifications in place, the Electronic Data Processing Division should no longer have to review each separate request for instructional computer equipment in a vacuum period. Further, the Department of Education is also reviewing and amending the recommended ratios of the number of students to terminals in the computer literacy, mathematics and vocational education courses. The new ratio should assist the Department of Budget and Finance in determining the number of pieces of computer equipment a school may be permitted to purchase.

The Office of Instructional Services will have the curriculum guides for the exploratory computers in education program developed by June, 1983. These guides should reduce the review process by the district offices, since they will then have specific guidelines to determine if a school's request for computer equipment is warranted. Thus, with the development of the above-mentioned equipment specifications and curriculum guides, the Departments of Education and Budget and Finance working together should be able to greatly reduce the number of working days required for the review process.

Your committee has amended this resolution by deleting the word "literacy" in the title and inserting the word "instruction". The purpose of this amendment is to streamline the review process for all computer equipment to be used in instruction, rather than restricting it to the computer literacy area only.

Your Committee on Education concurs with the intent and purpose of H.R. No. 346, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 346, H.D. 1.

Signed by all members of the Committee except Representative Dang.

SCRep. 877      Energy, Ecology and Environmental Protection and Health on H.R. No. 69

The purpose of this resolution is to urge the President, the Secretary of State, and the U.S. Congress to work toward the banning of all forms of nuclear weapon testing in the Pacific Basin.

Your Committees find that although atmospheric, outer space, and underwater testing of nuclear weapons have been banned, nuclear testing continues to occur in the Pacific Basin. The potential hazardous effects of such testing on the well-being of the people and the environment of the Pacific Basin should be averted at all cost. Your Committees feel that the leaders of our Nation must make every effort to keep the Pacific Basin free of all nuclear weapon testing.

This resolution has been amended to include the President of France and the Prime Minister of Great Britain as recipients of a certified copy of this resolution.

Your Committee on Energy, Ecology, and Environmental Protection and your Committee on Health concur with the intent and purpose of H.R. No. 69, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 69, H.D. 1.

Signed by all members of the Committees.

SCRep. 878 Energy, Ecology and Environmental Protection on H.R. No. 48

The purpose of this Resolution is to urge the President of the United States and the United States Senate to establish a component of the Strategic Petroleum Reserve in the State of Hawaii.

Your Committee finds that due to Hawaii's almost total dependence on imported petroleum, a shortage would severely impair the government's ability to maintain public services, public order, health and safety.

Your Committee further finds that it is the Reagan Administration's current policy to establish a single Strategic Petroleum Reserve near the Gulf of Mexico. However, as revealed in a report prepared by Eisenberg and Power entitled: "The Role of a Regional Petroleum Reserve in Hawaii: Flexibility for Responding to Oil Supply Disruptions", the estimated delay in the delivery of supplies to Hawaii in the event of an oil shortage would range between 54 and 70 days. The consequences of such a situation could well mean disaster for Hawaii's economy.

Your Committee finds that the establishment of a Strategic Petroleum Reserve in the State of Hawaii would benefit the people of Hawaii, as well as the United States as a whole, in that such a reserve could also support the U.S. Military functions present in Hawaii.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.R. No. 48 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 879 Energy, Ecology and Environmental Protection on H.C.R. No. 21

The purpose of this Concurrent Resolution is to urge the President of the United States and the United States Senate to establish a component of the Strategic Petroleum Reserve in the State of Hawaii.

Your Committee finds that due to Hawaii's almost total dependence on imported petroleum, a shortage would severely impair the government's ability to maintain public services, public order, health and safety.

Your Committee further finds that it is the Reagan Administration's current policy to establish a single Strategic Petroleum Reserve near the Gulf of Mexico. However, as revealed in a report prepared by Eisenberg and Power entitled: "The Role of a Regional Petroleum Reserve in Hawaii: Flexibility for Responding to Oil Supply Disruptions", the estimated delay in the delivery of supplies to Hawaii in the event of an oil shortage would range between 54 and 70 days. The consequences of such a situation could well mean disaster for Hawaii's economy.

Your Committee finds that the establishment of a Strategic Petroleum Reserve in the State of Hawaii would benefit the people of Hawaii, as well as the United States as a whole, in that such a reserve could also support the U.S. Military functions present in Hawaii.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.C.R. No. 21 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 880 Energy, Ecology and Environmental Protection on H.R. No. 80

The purpose of this Resolution is to request that the United States propose to the

Soviet Union, a mutual nuclear weapons freeze which would halt the production, testing and use of all nuclear weapons in a way that could be verified and checked by both countries.

Your Committee finds that the prevention of a nuclear war is of paramount importance to the safety and welfare of the American people. To this end, your Committee finds that the risk of an accidental nuclear war should be reduced through a mutual and verifiable nuclear arms freeze.

Your Committee finds that a mutual nuclear arms freeze will, in fact, enhance our national security by preventing the Soviet Union from perfecting its capacity for a first strike against our country.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.R. No. 80, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 881 Energy, Ecology and Environmental Protection on H.R. No. 186

The purpose of this Resolution is to urge the United States and the Soviet Union to begin serious negotiations with the goal of implementing major, mutual, and verifiable reductions in the existing stockpiles of nuclear warheads, missiles, and other delivery systems.

Your Committee finds that a nuclear war would result in widespread death and destruction on a scale unprecedented in human history. Due to Hawaii's geographic isolation, and the basing and storage nuclear weapons and ships at Pearl Harbor, the State faces a uniquely ominous threat from the perils of nuclear war.

Your Committee finds that in order to insure the well-being of the people of Hawaii, the United States, and the world, it is necessary that the leaders of every nation assume the responsibility of averting the certain annihilation of life on earth in the event of a nuclear war.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.R. No. 186, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 882 Energy, Ecology and Environmental Protection on H.C.R. No. 69

The purpose of this Concurrent Resolution is to urge the United States and the Soviet Union to begin serious negotiations with the goal of implementing major, mutual, and verifiable reductions in the existing stockpiles of nuclear warheads, missiles, and other delivery systems.

Your Committee finds that a nuclear war would result in widespread death and destruction on a scale unprecedented in human history. Due to Hawaii's geographic isolation, and the basing and storage nuclear weapons and ships at Pearl Harbor, the State faces a uniquely ominous threat from the perils of nuclear war.

Your Committee finds that in order to insure the well-being of the people of Hawaii, the United States, and the world, it is necessary that the leaders of every nation assume the responsibility of averting the certain annihilation of life on earth in the event of a nuclear war.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.C.R. No. 69, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 883 Human Services and Public Employment and Government Operations on H.R. No. 269

The purpose of this resolution is to urge all state and county agencies and private agencies providing public service with state support to encourage contributions from persons receiving services with the purpose of increasing program income through

voluntary contributions so that current levels of services may be expanded or maintained.

Your Committees received testimonies in support of this resolution. The Executive Office on Aging and Honolulu Gerontology Program stated that they have demonstrated that providing the opportunity for recipients to make contributions is a viable revenue source to maintain or even expand service delivery, especially during times when governmental sources of funding are being reduced.

Your Committees agree that due to shrinking fiscal resources, it is critical that all avenues of increasing or maintaining funding for valuable programs be explored and encouraged. This resolution will provide legislative encouragement to service providers and recipient agencies to carry out the provisions since this will offer a new revenue base to help maintain or expand services. The service recipient will have a dignified basis for helping to maintain the availability of the service they need.

Your Committees on Human Services and Public Employment and Government Operations concur with the intent and purpose of H.R. No. 269 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 884 Consumer Protection and Commerce on H.R. No. 391

The purpose of this resolution is to request the Legislative Reference Bureau to study the probable consequences of removing motorcycles and other vehicles with less than four wheels from the mandatory personal injury protection requirements of the Hawaii no-fault law.

Testimony in support of this resolution was submitted by Street Bikers United, the Hawaii Independent Insurance Agents Association, the Department of Commerce and Consumer Affairs and the Honolulu Police Department.

It appears that the cost of motorcycle coverage has reached a prohibitive level and, consequently, many motorcyclists are uninsured. This situation, in turn, affects the burdens placed upon insured motorists. Your Committee feels that a study of this matter would be valuable.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 391 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 885 Finance on S.B. No. 502

The purpose of this bill is to clarify and amplify certain sections of chapter 39, Hawaii Revised Statutes, concerning the issuance, registration, transfer, and the payment and replacement of lost, stolen, destroyed, or mutilated state bonds and coupons. The bill further provides that indemnity shall be in the amount sufficient to protect the State against potential loss resulting from such payment or replacement.

The bill is prompted by changes in the federal laws under the Tax Equity and Fiscal Responsibility Act of 1982, as amended, which requires that all tax-exempt state and municipal bonds issued after June 30, 1983, be in fully registered form.

Presently, chapter 39, Hawaii Revised Statutes, permits the issuance of fully registered bonds, but it does not provide for the authentication of such bonds by the registrar appointed by the director of finance. The purpose of authenticating bonds is to facilitate the timely and orderly transfer of ownership of registered bonds after the initial issuance. The amendments proposed in sections 39-8 and 39-9, Hawaii Revised Statutes, relating to general obligation bonds of the State, and in sections 39-56 and 39-64, Hawaii Revised Statutes, relating to revenue bonds of the State, will provide for such authentication.

Since all tax-exempt bonds issued after June 30, 1983, must be fully registered, the indemnity requirements for providing for payment or replacement of lost, stolen, destroyed, or mutilated bonds and coupons need to be amplified to provide for more equitable treatment of registered bond holders.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 502, 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. 886 Finance on S.B. No. 605

The purpose of this bill is to allow the Department of Health greater flexibility in providing nursing services to the public schools.

At present the law provides that registered professional nurses assigned to school health complexes must be classified either at the entry or next level of service.

Your Committee finds this to be overly restrictive, especially in times of limited personnel and resources, and that measures should be taken to allow the Department the flexibility to adjust work responsibilities according to identified needs and demands. This bill lifts the restriction to entry or next level nurses and allows maximum utilization of available Department resources without duplication of services.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 605, 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. 887 Finance on S.B. No. 824

The purpose of this bill is to establish a statutory basis for providing services to developmentally disabled persons.

Under present law, the Department of Health, through its Community Services for the Developmentally Disabled Branch, is authorized to provide a full range of services to mentally retarded persons, but there is no statutory basis for the delivery of services to severely handicapped or otherwise disabled persons who are not mentally retarded.

Your Committee finds that there are handicapped people in the community who are developmentally disabled and not mentally retarded who could benefit from services but cannot receive them due to the language in the present law. This bill clarifies the law and allows the Department of Health to provide services through its Community Services for the Developmentally Disabled Branch to developmentally disabled persons.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 824, 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. 888 Finance on S.B. No. 822

The purpose of this bill is to increase the membership of the Development Disabilities Council from fifteen to twenty-five members.

Presently one half of the council is composed of developmentally disabled persons, parents, guardians, or consumers. The other half is made up of various public and private service agency representatives. With the members restricted in their activities because of their responsibility to state or private agencies, the effectiveness of the council is reduced since only a small number of members are able to take on leadership roles.

The increase in membership proposed by this bill will allow more consumer input and participation in council activities, which will also broaden the bases on which to develop and improve the services provided to developmentally disabled individuals. This change will not result in any additional cost to the state.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 822, 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. 889 Finance on S.B. No. 519

The purpose of this bill is to restructure the Board of Social Services of the Department of Social Services and Housing.



Presently the Board consists of one member from each senatorial district, three members-at-large, and the director of health as an ex-officio member. However, as a result of the reapportionment of the State into twenty-five senatorial districts, the Board would now have more than twenty-five members, which would be both cumbersome and costly.

This bill restructures the Board membership at ten members, with four members appointed from their respective counties (with the exception of Kalawao), five members-at-large, and the director of health as an ex-officio, non-voting member.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 519 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 890 Finance on S.B. No. 89

The purpose of this bill is to provide legislative clarification so that the State Immigrant Services Center is authorized to enter into contracts for such services as may be necessary for it to carry out its statutory duties.

Your Committee is in agreement with this authorization to allow the State Immigrant Services Center to contract for services necessary in implementing its legal mandate, as well as to satisfy the provisions of Chapter 42, HRS, Relating to Grants, Subsidies, and Purchases of Service.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 89 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 891 Finance on S.B. No. 556

The purpose of this bill is to extend the existence of a special fund relating to the expedited processing of documents filed with the Department of Commerce and Consumer Affairs.

Act 244, Session Laws of Hawaii 1982, established special handling fees for the expedited processing of documents filed with the Business Registration Division of the Department of Commerce and Consumer Affairs. These fees were to be paid into a special fund which was to be used to pay for two temporary business registration assistants to process documents. The fund is scheduled for repeal effective July 1, 1984.

Your Committee finds that, because of various delays, the positions authorized to be funded by the special fund have not been filled and the positions are not expected to be filled until the end of April 1983. This bill extends the existence of the special fund until July 1, 1985, in order that the two temporary business registration assistant I's will have a full year to work on the Division's backlog.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 556, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 892 Finance on S.B. No. 650

The purpose of this bill is to repeal Chapter 148, Part II, Hawaii Revised Statutes.

Those sections of Chapter 148, Part II, relating to poultry labeling, i.e., sections 148-12 and 148-13, have been preempted by federal legislation and are invalid. The other sections of Part II are for the purpose of enforcing the preempted sections. The repeal proposed by this bill is therefore in order.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 650, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 893 Finance on S.B. No. 810

The purpose of this bill is to provide that loan fees or "points" shall be fully earned on the date the loan is made by an industrial loan company, and shall not be subject to refund upon prepayment of the loan.

The current law which governs industrial loan companies is silent on the practice of loan fees and points, although all other major mortgage lenders such as banks, savings and loan associations, insurance companies, and mortgage companies charge loan fees which are not refundable.

This bill will allow the industrial loan companies to charge nonrefundable loan fees or points.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 810, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 894 Finance on S.B. No. 833

The purpose of this bill is to establish the administrative framework necessary for implementing the federal Job Training Partnership Act (JTPA).

The Hawaii Job Training Coordinating Council has been established based on the mandate of the federal JTPA. This council, which serves in an advisory capacity to the governor, would require the services of an executive director and a program assistant in order to properly implement JTPA.

In contrast to the temporary nature of the Comprehensive Employment and Training Act (CETA), which it has replaced, JTPA represents the Reagan Administration's concept of "new federalism" placing the responsibility of implementing the new jobs program on the states.

The successful implementation of JTPA by October 1, 1983, is heavily dependent upon maintaining an experienced staff. This bill would provide the Hawaii Job Training Coordinating Council with the services of an executive director and a program assistant, as well as retain the expertise of those temporary employees hired under CETA.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 833, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 895 Finance on S.B. No. 839

The purpose of this bill is to extend the effective date of the amendment to paragraph (1) of HRS 88-74, under Act 165, Session Laws of Hawaii 1982, from July 1, 1982, to January 1, 1983.

The adoption of Act 165 in 1982 incorporated many technical and substantive amendments to the Employees' Retirement System statutes. Although the legislative changes were circulated, the change to HRS 88-74 was not recognized. Therefore, the Employees' Retirement System continued the practice of granting early retirement benefits without penalty if the member had served the last five years of the 25 years of service in such capacities.

Three individuals retired during the period July 1, 1982, to December 31, 1982, whose benefits were calculated erroneously pursuant to the adoption of Act 165. To comply with Act 165 at this time would result in substantially reduced benefits to these three individuals. This bill proposes to correct this inequity.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 839, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 896 Finance on S.B. No. 1175

The purpose of this bill is to conform certain provisions in the Hawaii Revised Statutes relating to bonds of the counties to changes in federal tax laws under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and to make technical amendments to Section 47-8 and 47C-2, HRS.

According to testimony, the TEFRA requires that all tax exempt municipal bonds issued after June 30, 1983, be fully registered. Although the county general obligation bond statutes allow the issuance of registered bonds, additional language must be enacted to provide for signing, exchanging, transferring, and replacing fully registered bonds.

In addition to TEFRA related changes, your Committee is in agreement to the technical amendments included in this bill which: allow bonds to bear the signature of the deputy director of finance; authorize the issuing of typewritten bonds which are used to secure loans from any board, agency, or instrumentality of the United States government; and restores the date as of which the annual summary of total indebtedness is to be certified from the last day of each fiscal year to the first day of each fiscal year.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1175, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 897 Finance on S.B. No. 1251

The purpose of this bill is to repeal the section of the conveyance tax law which makes it illegal for any state employee to reveal information contained on a certificate of conveyance of real property.

Your Committee finds that most of the information contained in certificates of conveyance can be legally obtained through an examination of other public documents available at the Bureau of Conveyance and the Department of Taxation.

A measure identical to this bill was approved by the 1982 Legislature and vetoed by the Governor who was concerned that repealing the confidentiality provision might discourage parties from making a full disclosure of the terms of a sale of real property. Your Committee finds that these concerns expressed in the Governor's veto message are adequately addressed by Section 247-11, Hawaii Revised Statutes, which provides that any person who knowingly makes a false declaration on any certificate or certificates required under the conveyance tax law shall be subject to fines or imprisonment or both.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1251, S.D. 1 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 898 Human Services and Employment Opportunities and Labor Relations on H.R. No. 294

The purpose of this resolution is to urge employers to develop policies to hire, retain, and promote older workers.

Your Committees find that the population of older persons is increasing at a rapid rate and they are one of the groups which have great difficulty in securing employment. Fixed incomes, along with inflation and the high cost-of-living, have made working an economic necessity among the older population.

Your Committees agree that every effort should be made to encourage the support and assistance of employers to promote older workers. Employers should be sensitized to the positive characteristics of this work group so that this resource is more fully utilized. Your Committee has amended this resolution by correcting a typographical error.

Your Committees on Human Services and Employment Opportunities and Labor Relations concur with the intent and purpose of H.R. No. 294, as amended herein, and recommend its adoption, in the form attached hereto, as H.R. 294, H.D. 1.

Signed by all members of the Committees.

SCRep. 899 Energy, Ecology and Environmental Protection and Health on  
H.C.R. No. 32

The purpose of this concurrent resolution is to urge the President, the Secretary of State, and the U.S. Congress to work toward the banning of all forms of nuclear weapon testing in the Pacific Basin.

Your Committees find that although atmospheric, outer space, and underwater testing of nuclear weapons have been banned, nuclear testing continues to occur in the Pacific Basin. The potential hazardous effects of such testing on the well-being of the people and the environment of the Pacific Basin should be averted at all cost. Your Committees feel that the leaders of our Nation must make every effort to keep the Pacific Basin free of all nuclear weapon testing.

This concurrent resolution has been amended to include the President of France and the Prime Minister of Great Britain as recipients of a certified copy of this concurrent resolution.

Your Committee on Energy, Ecology, and Environmental Protection and your Committee on Health concur with the intent and purpose of H.C.R. No. 32, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 32, H.D. 1.

Signed by all members of the Committees.

SCRep. 900 Energy, Ecology and Environmental Protection and Health on H.R.  
No. 70

The purpose of this resolution is to request a ban on the disposal of nuclear waste materials in the Pacific Basin.

Your Committees find that during the fission process that splits uranium atoms, unstable particles are emitted that remain dangerous for thousands of years. Large amounts of radioactive wastes have accumulated over a period of time and are awaiting permanent disposal sites. If exposed to large enough doses, human beings could contract cancer from such materials.

Your Committees further find that between 1946 and 1966, large amounts of radioactive materials were discarded near the Farallon Islands located off the California Coast. Research reveals that these materials may be contaminating the food chain, as some fish in the area show high levels of an element that is formed in the breakdown of plutonium.

Your Committees find that the effects of widespread dumping could result in irreversible damage to the ocean environment and the food chain. Therefore, your Committees respectfully request the banning of all dumping of nuclear materials in the Pacific Basin by the United States and any other country.

Your Committee on Energy, Ecology, and Environmental Protection and your Committee on Health concur with the intent and purpose of H.R. No. 70, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 901 Energy, Ecology and Environmental Protection and Health on H.C.R.  
No. 33

The purpose of this concurrent resolution is to request a ban on the disposal of nuclear waste materials in the Pacific Basin.

Your Committees find that during the fission process that splits uranium atoms, unstable particles are emitted that remain dangerous for thousands of years. Large amounts of radioactive wastes have accumulated over a period of time and are awaiting permanent disposal sites. If exposed to large enough doses, human beings could contract cancer from such materials.

Your Committees further find that between 1946 and 1966, large amounts of radioactive materials were discarded near the Farallon Islands located off the California Coast. Research reveals that these materials may be contaminating the food chain, as some fish in the area show high levels of an element that is formed in the breakdown of plutonium.

Your Committees find that the effects of widespread dumping could result in irreversible damage to the ocean environment and the food chain. Therefore, your Committees respectfully request the banning of all dumping of nuclear materials in the Pacific Basin by the United States and any other country.

Your Committee on Energy, Ecology, and Environmental Protection and your Committee on Health concur with the intent and purpose of H.C.R. No. 33 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 902      Energy, Ecology and Environmental Protection and Health on H.R.  
No. 44

The purpose of this resolution is to request a review of the State's capability to monitor and prevent contamination of water resources and food products by pesticides and hazardous wastes.

Your Committees find that recent discoveries of the presence of pesticides in the water supply and various food products by the State Department of Health indicate that there appears to be a need to improve the State's capabilities in monitoring and preventing pesticide contamination. Your Committees further find that the disposal of hazardous wastes can also pose similar problems to the public's health, safety, and welfare. Therefore, your Committees feel that it is appropriate that a comprehensive review of the State's capability to monitor and prevent these potential problems be conducted at this time.

Your Committees have amended this resolution by recognizing the State Department of Health's role in the recent discovery of several cases of pesticide contamination. Your Committees also feel that the Committee on Health could contribute valuable input toward the composition of this review. Therefore, the Committee on Health has also been requested to aid in the development of this review. This resolution has been further amended by requesting that this review be submitted to the Legislature twenty days prior to the convening of the Regular Session of 1984.

Your Committee on Energy, Ecology, and Environmental Protection and your Committee on Health concur with the intent and purpose of H.R. No. 44, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 44, H.D. 1.

Signed by all members of the Committees.

SCRep. 903      Housing and Consumer Protection and Commerce on H.R. No. 390

The purpose of this resolution is to request the Real Estate Commission to prepare a report requested by the House in 1981, regarding problems experienced in administering Act 189, passed by the 1980 Legislature.

Act 189, Regular Session of 1980, provided prospective owner-occupants the opportunity to purchase new condominium units before they are made available to investors by imposing certain obligations upon developers and financial institutions. The Legislature was concerned about problems that might be encountered in administering the Act and whether improvements could be made to the Act. The Legislature therefore requested, by adopting House Resolution Number 144, that the Real Estate Commission provide the relevant information to the Legislature, twenty days prior to the convening of the Regular Session of 1982. No report was submitted to the Legislature. To emphasize continuing concern regarding the implementation of Act 189, the Commission was again requested to provide the related data.

Your Committees heard testimony from the Real Estate Commission that it was an oversight that the report was not prepared and that the Commission will provide the information requested by the resolutions.

Your Committees on Housing and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 390 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 904 Health on H.R. No. 311

The purpose of this resolution is to request the department of health to review all current laboratory procedures to determine their public health significance, to define the term "public health significance" in order to eliminate some laboratory tests and to add new or alternate tests and methods if necessary, to establish a timely fee schedule where appropriate, and to adjust statutes, rules and regulations accordingly.

Your Committee finds that the laboratories branch of the medical health services division, department of health, is performing tests of no public health significance, at the request of physicians in private practice. The department has the legal authority but does not assess fees for these services, although other laboratory services are legislatively mandated to be free of charge. Also, there are adequate private laboratories in the state able to perform the tests required by the private physician sector.

This resolution is an attempt to improve the public health and the cost effectiveness of the laboratory branch of the department. Your Committee finds that the department has already begun this process through its laboratory function review panel. It is the intent of this resolution that the department complete this process and report its findings and recommendations to the Legislature 20 days before the convening of the 1984 Regular Session.

Your Committee on Health 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. 905 Health on H.R. No. 368

The purpose of this resolution is to request the Legislative Reference Bureau to study and evaluate financial assistance alternatives for victims of catastrophic diseases and their families.

Your Committee finds that victims of catastrophic diseases and their families incur tremendous costs, most of which are not covered by standard group medical insurance. Consequently, their assets may be completely depleted, they may be forced to seek public assistance and thus become state dependents.

Your Committee recognizes the need for the study and evaluation of alternatives to providing financial assistance to these people where standard medical insurance benefits have been exhausted and where no state, federal, or private support is available. Such a study should include the evaluation of government insurance programs at both state and federal levels.

Your Committee on Health concurs with the intent and purpose of H.R. No. 368 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 906 Health on H.R. No. 253

The purpose of this resolution, as received by your Committee, was to request the Department of Health (DOH) to study long-term effects of hydrogen sulfide (H<sub>2</sub>S) on human health.

Hydrogen sulfide emissions are considered to be the most important public health concern associated with the development of geothermal energy. The residents of Puna on the Island of Hawaii, where the Hawaii Geothermal Project-Abbot (HGP-A) commenced operation in 1981, have expressed concern over the effects of H<sub>2</sub>S exposure on their health. Unfortunately, little work has been done to study the long term effects of low-level exposure to hydrogen sulfide, as the gas is generally considered to be an acute-acting substance that is not carcinogenic, mutagenic or teratogenic. Nonetheless, the Department of Health has recommended that studies of the effects of long-term exposure to H<sub>2</sub>S be promoted in Hawaii.

Your Committee was also referred H.R. No. 245 which requests the DOH to form a medical panel to review complaints of health problems ostensibly arising from exposure to geothermal emissions. From its consideration of H.R. No. 245, your Committee finds that in addition to possible deleterious effects that may arise from extended exposure

to H<sub>2</sub>S, there have been complaints by Puna residents that air pollution from geothermal wells there have caused lung and eye irritation. Residents downwind of geothermal wells of the "Geyers" project in California have complained of headaches, nausea, and other health conditions, even at ambient H<sub>2</sub>S concentrations somewhat below levels generally considered to be hazardous to human health. Although it would be very difficult to link such symptoms to geothermal emissions, it is the opinion of your Committee that the complaints of the Puna residents should be investigated to verify or, possibly, refute them.

In recognition of the fact that a study of long-term effects of hydrogen sulfide would be closely linked to the activities of the proposed medical panel in H.R. No. 245, your Committee has amended H.R. No. 253 to incorporate the provisions of H.R. No. 245. The amended version requests the DOH to form a medical panel to conduct a long-term study of the effects of H<sub>2</sub>S and other geothermal air pollutants on human health. The study would entail conducting an annual health survey of Puna residents, monitoring ambient concentrations of H<sub>2</sub>S and other pollutants, in the Puna region, and investigating the complaints lodged by the Puna residents. The amended version also requests the DOH to provide administrative support to the medical advisory panel and establish a "hot line" to receive complaints.

Your Committee has amended the title of H.R. No. 253, to reflect the above changes. The new title is: "HOUSE RESOLUTION REQUESTING THE FORMATION OF A MEDICAL ADVISORY PANEL TO CONDUCT A LONG TERM STUDY OF THE EFFECTS OF HYDROGEN SULFIDE AND CERTAIN OTHER AIR POLLUTANTS ON HUMAN HEALTH".

Your Committee realizes that performance of a study of the scope envisioned by this resolution will incur considerable cost. The Department of Health has testified that the Department of Planning and Economic Development (DPED) will transfer \$28,000 to DOH for fiscal year 1983 for the proposed study. It is this Committee's strong intention that the DPED provide these moneys to finance the medical advisory panel's activities.

Your Committee on Health concurs with the intent and purpose of H.R. No. 253, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 253, H.D. 1.

Signed by all members of the Committee.

SCRep. 907 Health on H.R. No. 399

The purpose of this resolution is to request the House Committee on Health to conduct a comprehensive review of health care cost containment. It is the intent of this resolution that the review include an examination of the various alternative methods of controlling health care costs and the development of legislation for submittal to the 1984 Regular Session of the Legislature.

Your Committee finds that all attempts to control exorbitant health care costs have failed. For example, the cost of hospital care, the largest component of the health care bill, has risen at rates of up to 20 percent per year, consistently outpacing the rate of inflation; the average charge to hospital patients was \$99 per day in 1972, \$219 per day in 1977 and \$506 per day in 1982.

Your Committee finds that the Legislature must take action to curb these costs and that a first step is a comprehensive review of the numerous methods and strategies for control, including health planning, hospital rate review, utilization review, no-fault malpractice insurance, prospective payment, and prepaid health plans.

Your Committee intends that one or a combination of these methods and strategies must be applied to Hawaii's health care system in order to address the underlying factors of health care cost, such as rising physicians' fees, the use of unnecessary procedures resulting from increasing medical malpractice, the use of costly life-sustaining methods even in hopeless cases, the introduction of expensive new medical technology, and cost-shifting by hospitals to cover revenue losses resulting from federal cutbacks in medical payments.

Your Committee on Health concurs with the intent and purpose of H.R. No. 399 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 908 State General Planning and Water, Land Use, Development and  
Hawaiian Affairs on H.C.R. No. 159

The purpose of this concurrent resolution is to request that a joint interim committee of both houses of the Legislature be organized to review and develop permit simplification measures and to encourage the participation of County, State, and Federal agencies, environmental organizations, and the development industry in this effort and in the expeditious implementation of the resultant simplification measures.

Your Committees find that given the complexities inherent in intergovernmental reform and the maze of existing statutes, ordinances, rules, and regulations, the participation of a joint interim committee as proposed by this concurrent resolution could serve as an effective catalyst and coordinative body to achieve a more expeditious and effective program for intergovernmental permit reform.

Your Committees have amended this concurrent resolution to correct minor typographical errors.

Your Committees have also amended this concurrent resolution by providing that this concurrent resolution, upon adoption, is also to be transmitted to the President of the Hawaii State Senate, the Speaker of the House of Representatives, and the Governor of the State of Hawaii.

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. 159, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 159, H.D. 1.

Signed by all members of the Committees.

SCRep. 909 Public Employment and Government Operations on H.R. No. 224

The purpose of this resolution is for all state agencies to re-examine their staff formulae for the purpose of creating student assistant positions.

According to testimony, the re-examination would ascertain the number of existing student positions, determine what types of tasks are currently being performed by regular employees which could be assumed by student clerks, report the need for more student clerk positions, and report any agency's plan to revise their staffing formula.

Your Committee believes that this resolution seeks to resolve some of the problems of youth unemployment and youth career development. Part of the general duties of the Office of Children and Youth is to study the facts concerning the needs of children and youth in the State through adequate research studies.

Your Committee has amended this resolution to request the Office of Children and Youth to be the reporting agency. The potential availability of State employment programs for students is directly related to the statewide goals and objectives established by the Office of Children and Youth.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 224 as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 224, H.D. 1.

Signed by all members of the Committee.

SCRep. 910 Public Employment and Government Operations on H.R. No. 89

The purpose of this resolution is to urge the Department of Budget and Finance to enforce greater uniformity in contracts by requiring State agencies to follow model contracts while allowing the agencies to include additional unique provisions which might be appropriate for their respective programs.

According to testimony, private organizations experience many difficulties with the contract procedure which often results in extended delays in the processing of payments for services rendered. The Department of Budget and Finance is developing criteria for monitoring and evaluating private organizations and will be implemented during the upcoming fiscal year.



Your Committee is in agreement to amend this resolution to also urge the Department of the Attorney General to enforce greater uniformity in contracts between the State and private organizations. Even though the model contracts are developed by the Department of Budget and Finance for use by the State agencies, the final contracts are approved by the Attorney General's Office.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 89, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 89, H.D. 1.

Signed by all members of the Committee except Representative Medeiros.

SCRep. 911 Public Employment and Government Operations on H.C.R. No. 43

The purpose of this concurrent resolution is to urge the Department of Budget and Finance to enforce greater uniformity in contracts by requiring State agencies to follow model contracts while allowing the agencies to include additional unique provisions which might be appropriate for their respective programs.

According to testimony, private organizations experience many difficulties with the contract procedure which often results in extended delays in the processing of payments for services rendered. The Department of Budget and Finance is developing criteria for monitoring and evaluating private organizations and will be implemented during the upcoming fiscal year.

Your Committee is in agreement to amend this concurrent resolution to also urge the Department of the Attorney General to enforce greater uniformity in contracts between the State and private organizations. Even though the model contracts are developed by the Department of Budget and Finance for use by the State agencies, the final contracts are approved by the Attorney General's Office.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.C.R. No. 43, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 43, H.D. 1.

Signed by all members of the Committee.

SCRep. 912 Public Employment and Government Operations on H.R. No. 90

The purpose of this resolution is to request the Department of Budget and Finance to review its criteria for purchases of service, Grants-in-Aid, and subsidies in order to establish organizational standards and a clear process for reviewing requests from private organizations for state funds to achieve public purposes.

According to testimony, Chapter 42 presumes a planning and priority setting process for human services which does not exist in this state. As a result, individual state agencies are unable to recommend, in the budgeting process, priorities and the Department of Budget and Finance is left on its own to establish decision making criteria with regard to funding requests for human service organizations.

Your Committee is in agreement to amend this resolution so that the Department of Budget and Finance collaborate with the private sector in reviewing the department's criteria. Your Committee believes that private sector participation can help in the development of criteria which is reasonable and known by applicants prior to its use.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 90, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 90, H.D. 1.

Signed by all members of the Committee.

SCRep. 913 Public Employment and Government Operations on H.C.R. No. 44

The purpose of this concurrent resolution is to request the Department of Budget and Finance to review its criteria for purchases of service, Grants-in-Aid, and subsidies in order to establish organizational standards and a clear process for reviewing requests from private organizations for state funds to achieve public purposes.

According to testimony, Chapter 42 presumes a planning and priority setting process for human services which does not exist in this state. As a result, individual state agencies are unable to recommend, in the budgeting process, priorities and the Department of Budget and Finance is left on its own to establish decision making criteria with regard to funding requests for human service organizations.

Your Committee is in agreement to amend this concurrent resolution so that the Department of Budget and Finance collaborate with the private sector in reviewing the department's criteria. Your Committee believes that private sector participation can help in the development of criteria which is reasonable and known by applicants prior to its use.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.C.R. No. 44, as amended herein, and recommends 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 Committee except Representatives  
Honda and Medeiros.

SCRep. 914      Public Employment and Government Operations on H.R. No. 88

The purpose of this resolution is to request that the Mental Health Division review Grants-in-Aid applications as required under Chapter 42, and report actions taken prior to the adjournment of the regular session of 1983.

According to testimony, a community-based planning process would help to look at a comprehensive spectrum of public and private mental health and substance abuse services, set priorities, and allocate monies based on units of services needed.

Your Committee is in agreement that this resolution will provide a more efficient and cost-effective means for attaining public purposes.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No 88 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 915      Public Employment and Government Operations on H.C.R. No. 42

The purpose of this concurrent resolution is to request that the Mental Health Division review Grants-in-Aid applications as required under Chapter 42, and report actions taken prior to the adjournment of the regular session of 1983.

According to testimony, a community-based planning process would help to look at a comprehensive spectrum of public and private mental health and substance abuse services, set priorities, and allocate monies based on units of services needed.

Your Committee is in agreement that this concurrent resolution will provide a more efficient and cost-effective means for attaining public purposes.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.C.R. No 42 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives  
Honda and Medeiros.

SCRep. 916      Agriculture on H.R. No. 193

The purpose of this resolution is to request the College of Tropical Agriculture and Human Resources and the Department of Agriculture to conduct a study on alternative means of controlling pests without the use of dangerous chemicals.

The Department of Agriculture has been carrying out biological control programs to control pests for over 75 years and is considered one of the leaders in the world in this field. The biological control method uses the actions of beneficial organisms, such as parasites, predators and pathogens, to regulate pest populations to acceptable levels.

The College of Tropical Agriculture and Human Resources has an ongoing pest control program that includes studying and producing alternatives to the control of pests without chemicals in a broad field. These studies include, among others, breeding of crop plants that are resistant to disease; the biological control of pests; interactions between climatic factors and pest and disease incidence; and the behavioral traits of insects.

Testimony in support of this resolution was presented by the Chairman of the Board of Agriculture. Testimony by the College of Tropical Agriculture and Human Resources indicated that a major thrust of the College's current program is directed at alternatives to the control of pests without chemicals.

Your Committee finds that the Department of Agriculture and College of Tropical Agriculture and Human Resources are currently involved with programs to identify effective alternatives to use of chemicals for pest control and, therefore, a study in this area is not required.

Your Committee also finds that, although a study is not required, a report of the progress of and recommendations for the continuation of these programs is warranted and, therefore, has amended the title and body of this resolution accordingly.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 193, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 193, H.D. 1.

Signed by all members of the Committee.

SCRep. 917      Agriculture on H.R. No. 121

The purpose of this resolution is to request the Department of Agriculture to conduct a study on the use of agricultural products by the hotels and restaurants in this State and to take necessary actions to promote and encourage wider use of locally grown products by the hotel and restaurant industries in Hawaii.

Your Committee received testimony in support of this resolution from the Chairman of the Board of Agriculture and the Hawaii Farm Bureau Federation.

Your Committee finds that the widespread use of imported agricultural products by hotels, restaurants, military installations and government institutions is a serious problem and one which acts as a deterrent to the fullest benefits that could be derived by diversified agriculture.

Your Committee also finds that while considerable effort has been expended by the Department of Planning and Economic Development, Department of Agriculture, University of Hawaii and local wholesalers to increase the market share of local produce, additional progress is required.

Your Committee further finds that the study requested by this resolution should be expanded to include investigation of local agricultural product use by military installations and government agencies and, therefore, has amended the title and body of this resolution accordingly.

Your Committee has also amended the second "BE IT RESOLVED" clause to include the requirement for including problem identification and an action plan in the Department of Agriculture report.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 121, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 121, H.D. 1.

Signed by all members of the Committee.

SCRep. 918      Agriculture on H.C.R. No. 100

The purpose of this concurrent resolution is to request the Department of Agriculture and the Governor's Agriculture Coordinating Committee to formulate procedures to make available a reasonable portion of state funds, on a regular and continuing basis, for product promotion to the milk industry.

Income from the milk industry is estimated to have decreased twenty-seven per cent

since 1981. Part of this decrease is attributable to a general decline in per capita consumption and part due to the heptachlor and antibiotic crises.

Your Committee finds that a major product promotion program is needed to improve the financial condition of what was once Hawaii's number one diversified agricultural industry.

Testimony strongly supporting this measure was received from the 50th State Dairy Farmers' Cooperative and the Fresh Milk Industry of Hawaii.

Your Committee also received testimony from the Chairman of the Board of Agriculture in support of the intent of this measure recommending the State assist the industry in the initial phase of a product promotion program but that future funding assistance in this area would not be available.

Your Committee has adopted the recommendation of the Chairman of the Board of Agriculture and amended the last "WHEREAS" and first "BE IT RESOLVED" clauses accordingly.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 100, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 100, H.D. 1.

Signed by all members of the Committee.

SCRep. 919      Agriculture on H.R. No. 277

The purpose of this resolution is to request the Department of Agriculture and the Governor's Agriculture Coordinating Committee to formulate procedures to make available a reasonable portion of state funds, on a regular and continuing basis, for product promotion to the milk industry.

Income from the milk industry is estimated to have decreased twenty-seven per cent since 1981. Part of this decrease is attributable to a general decline in per capita consumption and part due to the heptachlor and antibiotic crises.

Your Committee finds that a major product promotion program is needed to improve the financial condition of what was once Hawaii's number one diversified agricultural industry.

Testimony strongly supporting this measure was received from the 50th State Dairy Farmers' Cooperative and the Fresh Milk Industry of Hawaii.

Your Committee also received testimony from the Chairman of the Board of Agriculture in support of the intent of this measure recommending the State assist the industry in the initial phase of a product promotion program but that future funding assistance in this area would not be available.

Your Committee has adopted the recommendation of the Chairman of the Board of Agriculture and amended the last "WHEREAS" and first "BE IT RESOLVED" clauses accordingly.

Your Committee on Agriculture 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. 920      Agriculture and Transportation on H.C.R. No. 95

The purpose of this concurrent resolution is to request the Department of Transportation undertake a feasibility study relating to airlifting of diversified Hawaii agricultural products.

Reliable and efficient air transportation for Hawaii's perishable crops is vital for the development and maintenance of a viable diversified agriculture industry in Hawaii. Except for those utilized on the island of production, all anthuriums, proteas, and other cut flowers are flown to local and worldwide markets. All fresh papayas to Japan and

other foreign markets and virtually all to mainland markets are shipped by air.

Your Committees find that Hawaii's geographical isolation from its import/export markets, as it relates to commodities used or produced by its residents, poses serious problems to the diversified agriculture industry in Hawaii. The insufficiency and unreliability of cargo space will affect the survival, and to a large extent, the ultimate level of development of large segments of the diversified agriculture industry in Hawaii.

Your Committees received testimony in support of this concurrent resolution from the Department of Transportation and the Chairman of the Board of Agriculture.

Your Committees have made some technical, nonsubstantive amendments to this resolution for purposes of style and clarity.

Your Committees on Agriculture and Transportation concur with the intent and purpose of H.C.R. No. 95, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 95, H.D. 1.

Signed by all members of the Committees.

SCRep. 921 Health on H.R. No. 355

The purpose of this resolution is to urge the state health planning and development agency (SHPDA) to adopt a stringent new policy for reviewing and approving certificates of need for additional acute care beds.

Your Committee finds that the rapid rise in health care costs is largely the result of the proliferation of new health care facilities and equipment. SHPDA is the only agency charged with constraining the addition of facilities and equipment. It is presently considering proposals for about 500 new acute care beds and more proposals from hospitals are expected as they seek to convert existing nursing care beds in order to phase out nursing care and thus avoid financial losses resulting from the change in reimbursement formulas under Medicare and Medicaid.

Your Committee finds that hospitals face the problem of appropriate utilization of existing beds rather than a need for additional acute care beds. In order to resist the mounting pressure for the development of additional acute care beds, SHPDA must rework its existing policy for the review and approval of certificates of need for acute care beds. With a new policy, SHPDA will be able to approve only those acute beds that are directly responsive to a definite need.

Your Committee concurs with the intent and purpose of H.R. No. 355 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 922 Health on H.C.R. No. 144

The purpose of this concurrent resolution is to urge the state health planning and development agency (SHPDA) to adopt a stringent new policy for reviewing and approving certificates of need for additional acute care beds.

Your Committee finds that the rapid rise in health care costs is largely the result of the proliferation of new health care facilities and equipment. SHPDA is the only agency charged with constraining the addition of facilities and equipment. It is presently considering proposals for about 500 new acute care beds and more proposals from hospitals are expected as they seek to convert existing nursing care beds in order to phase out nursing care and thus avoid financial losses resulting from the change in reimbursement formulas under Medicare and Medicaid.

Your Committee finds that hospitals face the problem of appropriate utilization of existing beds rather than a need for additional acute care beds. In order to resist the mounting pressure for the development of additional acute care beds, SHPDA must rework its existing policy for the review and approval of certificates of need for acute care beds. With a new policy, SHPDA will be able to approve only those acute beds that are directly responsive to a definite need.

Your Committee concurs with the intent and purpose of H.C.R. No. 144 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 923 Public Employment and Government Operations on H.R. No. 91

The purpose of this resolution is to request the Department of Budget and Finance to include amounts of Grants-in-Aid and purchases of service agreements reviewed and approved under Chapter 42, Hawaii Revised Statutes, within each department's budget ceiling.

According to testimony, Grants-in-Aid were not included in the ceilings developed for the State agencies because there was no way to determine how many requests and in what amounts would be submitted by private organizations. As a result, there was no way to determine how the funds should be allocated to each department. Without a ceiling established at the outset, there is a probability that the ultimate recommendations would be more than the available resources.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 91 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives  
Honda and Medeiros.

SCRep. 924 Public Employment and Government Operations on H.C.R. No. 45

The purpose of this concurrent resolution is to request the Department of Budget and Finance to include amounts of Grants-in-Aid and purchases of service agreements reviewed and approved under Chapter 42, Hawaii Revised Statutes, within each department's budget ceiling.

According to testimony, Grants-in-Aid were not included in the ceilings developed for the State agencies because there was no way to determine how many requests and in what amounts would be submitted by private organizations. As a result, there was no way to determine how the funds should be allocated to each department. Without a ceiling established at the outset, there is a probability that the ultimate recommendations would be more than the available resources.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.C.R. No. 45 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 925 Higher Education and the Arts on H.R. No. 312

This resolution mandates the College of Tropical Agriculture and Human Resources of the University of Hawaii-Manoa in conjunction with the Kokokahi World Hunger Foundation to explore the feasibility of conducting training programs at the Tropical Rice Production Center on Kauai, and further directs that the University of Hawaii-Manoa submit a report on its findings and recommendations to the Legislature twenty days prior to the convening of the Regular Session, 1984.

Your Committee has been made aware of the sobering fact that by the year 2000, the world's population is expected to exceed 6 billion, with a corresponding diminishing of the world's forests and croplands; it is also estimated that the number of malnourished people in less developed countries could reach 1.3 billion.

Your Committee has been further apprised that the problems of a burgeoning world population coupled with increasing hunger and malnutrition have been focused on countries in tropical zones, and that the University of Hawaii, through its College of Tropical Agriculture and Human Resources, has been addressing these concerns for many years by its research on tropical crops and human nutrition which has application to agriculture production and improved nutrition generally in the tropics. The University, through its various planning documents, has also committed itself to a leadership role in agricultural and aquacultural research and training in the Pacific and Asia.

The Kokokahi World Hunger Foundation, through its Kokokahi Hunger Mission Model, has also made important contributions to the development of tropical crops for food, fuel and erosion control by establishing an international network for shared research and work-study.

The original focus of this resolution was to explore the feasibility of conducting training programs at the Tropical Rice Production Center on Kauai by the University of Hawaii and the Kokokahi World Hunger Foundation. Testimony presented to your Committee has revealed that it would be judicious to extend the scope of the dual exploration beyond the Kauai site, which must be renovated before it can be used. Furthermore, use of the former Tropical Rice Production Center is undesirable in that a focus on a single ecological zone will not serve the needs of proposed trainees and the food systems within which they must work, as Hawaii encompasses more than a dozen agro-ecologic zones and 200 soil types.

In consultation with the College of Tropical Agriculture and the Kokokahi World Hunger Foundation, your Committee is amending this resolution to broaden the scope of a tropical crop production center to the entire state of Hawaii, for training in international tropical agriculture, particularly that emphasis which will assist those who depend upon low input, self-contained farming units for their food.

Your Committee further recommends that the College of Tropical Agriculture and Human Resources, in the preparation of its report to the Legislature, consults with nongovernmental organizations such as the Kokokahi World Hunger Foundation.

Your Committee on Higher Education and the Arts 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. 926 Higher Education and the Arts on H.C.R. No. 118

This concurrent resolution mandates the College of Tropical Agriculture and Human Resources of the University of Hawaii-Manoa in conjunction with the Kokokahi World Hunger Foundation to explore the feasibility of conducting training programs at the Tropical Rice Production Center on Kauai, and further directs that the University of Hawaii-Manoa submit a report on its findings and recommendations to the Legislature twenty days prior to the convening of the Regular Session, 1984.

Your Committee has been made aware of the sobering fact that by the year 2000, the world's population is expected to exceed 6 billion, with a corresponding diminishing of the world's forests and croplands; it is also estimated that the number of malnourished people in less developed countries could reach 1.3 billion.

Your Committee has been further apprised that the problems of a burgeoning world population coupled with increasing hunger and malnutrition have been focused on countries in tropical zones, and that the University of Hawaii, through its College of Tropical Agriculture and Human Resources, has been addressing these concerns for many years by its research on tropical crops and human nutrition which has application to agriculture production and improved nutrition generally in the tropics. The University, through its various planning documents, has also committed itself to a leadership role in agricultural and aquacultural research and training in the Pacific and Asia.

The Kokokahi World Hunger Foundation, through its Kokokahi Hunger Mission Model, has also made important contributions to the development of tropical crops for food, fuel and erosion control by establishing an international network for shared research and work-study.

The original focus of this concurrent resolution was to explore the feasibility of conducting training programs at the Tropical Rice Production Center on Kauai by the University of Hawaii and the Kokokahi World Hunger Foundation. Testimony presented to your Committee has revealed that it would be judicious to extend the scope of the dual exploration beyond the Kauai site, which must be renovated before it can be used. Furthermore, use of the former Tropical Rice Production Center is undesirable in that a focus on a single ecological zone will not serve the needs of proposed trainees and the food systems within which they must work, as Hawaii encompasses more than a dozen agro-ecologic zones and 200 soil types.

In consultation with the College of Tropical Agriculture and the Kokokahi World Hunger Foundation, your Committee is amending this concurrent resolution to broaden the scope of a tropical crop production center to the entire state of Hawaii, for training in international tropical agriculture, particularly that emphasis which will assist those who depend upon low input, self-contained farming units for their food.

Your Committee further recommends that the College of Tropical Agriculture and Human Resources, in the preparation of its report to the Legislature, consults with nongovernmental organizations such as the Kokokahi World Hunger Foundation.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 118, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 118, H.D. 1.

Signed by all members of the Committee.

SCRep. 927 Human Services on H.R. No. 268

The purpose of this resolution is to request the Department of Health to examine its proposed rules regarding long-term care facilities.

Your Committee finds that due to the current depressed state of the economy and fiscal constraints, the health care delivery system is in a very precarious financial position. The addition of a burdensome and unreasonable set of regulations detract from the delivery of quality health services and imposes an additional financial burden on both the providers and the State.

The Department submitted testimony indicating it will examine its proposed rules carefully to eliminate or reduce the severity of rules which do not appreciably protect the health of patients in these facilities, while maintaining federal certification standards.

Your Committee has amended this resolution by requesting the Department to submit a progress report to the Legislature 30 days prior to the convening of the Regular Session of 1984.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 268, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached herein, as H.R. No. 268, H.D. 1.

Signed by all members of the Committee.

SCRep. 928 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 333

The purpose of this resolution is to request the Department of Land and Natural Resources to conduct a feasibility study on allowing certain selected occasions of government or other State significance, such as the Governor's State of the State address to the Legislature, to be held at the Iolani Palace.

According to testimony, the proposed feasibility study would enhance the Board's ability to make informed judgments on the kinds of activities that could appropriately be held on the grounds of the Palace.

Technical and other non-substantive amendments have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 333, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 333, H.D. 1.

Signed by all members of the Committee.

SCRep. 929 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 129

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to conduct a feasibility study on allowing certain selected occasions of government or other State significance, such as the Governor's State of the State address to the Legislature, to be held at the Iolani Palace.

According to testimony, the proposed feasibility study would enhance the Board's ability to make informed judgments on the kinds of activities that could appropriately be held on the grounds of the Palace.

Technical and other non-substantive amendments have been made.



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

Signed by all members of the Committee.

SCRep. 930 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 342

The purpose of this resolution is to urge the fire chief of each county to take all appropriate measures, including the preparation, refinement, and implementation of a comprehensive fire management plan, in order to safeguard residential areas from brush, range, and forest fires.

According to testimony by the Kihei Community Association, the Maui County Fire Department has already taken steps in implementing a lot clearing enforcement program in order to reduce fire loss, especially on the leeward side of Haleakala, and to improve firefighting efforts on Maui. Your Committee is in agreement that such efforts should be instituted in each county.

Technical and other non-substantive amendments have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 342, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 342, H.D. 1.

Signed by all members of the Committee.

SCRep. 931 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 134

The purpose of this concurrent resolution is to urge the fire chief of each county to take all appropriate measures, including the preparation, refinement, and implementation of a comprehensive fire management plan, in order to safeguard residential areas from brush, range, and forest fires.

According to testimony by the Kihei Community Association, the Maui County Fire Department has already taken steps in implementing a lot clearing enforcement program in order to reduce fire loss, especially on the leeward side of Haleakala, and to improve firefighting efforts on Maui. Your Committee is in agreement that such efforts should be instituted in each county.

Technical and other non-substantive amendments have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 134, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 134, H.D. 1.

Signed by all members of the Committee.

SCRep. 932 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 344

The purpose of this resolution is to request the Legislative Auditor to conduct a detailed study of the regular and land court recording systems in order to determine the (1) problems inherent in and caused by the dual system of recordation, (2) alternative procedures for recordation, and (3) the feasibility of implementing an alternative procedure.

According to testimony, the present dual system of recordation (regular and land court) appears to be efficient. Although there has been an increase in the number of documents registered each year, including more than 125,000 under the regular system and more than 55,000 under the land court system and approximately 9,000 certificates of titles issued, the present system is workable. At the same time, the Department of Land and Natural Resources welcomes any suggestions for improvement. Your Committee is of the opinion that the proposed resolution would serve the purpose of seeking improvements in the system.

Your Committee suggests that, in its study of the dual system, the Legislative Auditor

invite the input of interested and affected parties, including title researchers and registered land surveyors.

Numerous technical and other non-substantive amendments have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of H.R. No. 344, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 344, H.D. 1.

Signed by all members of the Committee.

SCRep. 933      Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 136

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a detailed study of the regular and land court recording systems in order to determine (1) the problems inherent in and caused by the dual system of recordation, (2) alternative procedures for recordation, and (3) the feasibility of implementing an alternative procedure.

According to testimony, the present dual system of recordation (regular and land court) appears to be efficient. Although there has been an increase in the number of documents registered each year, including more than 125,000 under the regular system and more than 55,000 under the land court system and approximately 9,000 certificates of titles issued, the present system is workable. At the same time, the Department of Land and Natural Resources welcomes any suggestions for improvement. Your Committee is of the opinion that the proposed concurrent resolution would serve the purpose of seeking improvements in the system.

Your Committee suggests that, in its study of the dual system, the Legislative Auditor invite the input of interested and affected parties, including title researchers and registered land surveyors.

Numerous technical and other non-substantive amendments have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of H.C.R. No. 136, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 136, H.D. 1.

Signed by all members of the Committee.

SCRep. 934      Health on H.R. No. 361

The purpose of this resolution is to request the House Committee on Health to conduct a study of a community-based mental health system in order to recommend legislation necessary to authorize or mandate the establishment of such a system.

Your Committee finds that there is considerable concern in the public and private sectors for the establishment of a comprehensive community-based system in Hawaii. Noninstitutional care and treatment of persons with mental illness is recognized as far more desirable, successful, and cheaper than hospitalization. However, the establishment of such a system is a complex undertaking since public and private resources must be combined in an integrated and coordinated manner.

Your Committee considered two mental health system measures this Session, the details of which caused dissension among the many public and private agencies that would comprise such a system. Because of this disagreement, your Committee finds that careful study is required in order to assure that an effective, cost-effective system is established.

Such a study will include the input of concerned public and private agencies and the consideration of proposals under House Bill No. 97 and House Bill No. 958.

Your Committee on Health concurs with the intent and purpose of H.R. No. 361 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 935      Agriculture on H.C.R. No. 97

The purpose of this concurrent resolution is to request the Hawaii delegation to the United States Congress to actively oppose the application, to Hawaii, of deductions from federal price support payments to dairy farmers provided for in a new federal law, effective on April 1, 1983.

Your Committee finds that the price structure under the Milk Control Act is based on annual cost of production data. Because of Hawaii's high cost of land, imported feeds, etc., Hawaii does not participate in the Federal Support Program. To be assessed on all milk marketed commercially because of surplus conditions on the mainland is not considered equitable.

Your Committee also finds that each of the mandated assessments would cost the dairy industry on Oahu approximately \$50,000 per month. This additional cost would have to be passed on to the consumer, at a time when sales are already at a very low level due to the heptachlor crisis.

Testimony presented by the Chairman of the Board of Agriculture and the 50th State Dairy Farmers' Cooperative strongly support this measure.

Your Committee has amended the title of this measure and the first two "WHEREAS" clauses to clarify the reason for the assessments and to reflect that Hawaii does not participate in the Federal Support Program for milk.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 97, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 97, H.D. 1.

Signed by all members of the Committee.

SCRep. 936      Agriculture on H.R. No. 276

The purpose of this resolution is to request the Hawaii delegation to the United States Congress to actively oppose the application, to Hawaii, of deductions from federal price support payments to dairy farmers provided for in a new federal law, effective on April 1, 1983.

Your Committee finds that the price structure under the Milk Control Act is based on annual cost of production data. Because of Hawaii's high cost of land, imported feeds, etc., Hawaii does not participate in the Federal Support Program. To be assessed on all milk marketed commercially because of surplus conditions on the mainland is not considered equitable.

Your Committee also finds that each of the mandated assessments would cost the dairy industry on Oahu approximately \$50,000 per month. This additional cost would have to be passed on to the consumer, at a time when sales are already at a very low level due to the heptachlor crisis.

Testimony presented by the Chairman of the Board of Agriculture and the 50th State Dairy Farmers' Cooperative strongly support this measure.

Your Committee has amended the title of this measure and the first two "WHEREAS" clauses to clarify the reason for the assessments and to reflect that Hawaii does not participate in the Federal Support Program for milk.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 276, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 276, H.D. 1.

Signed by all members of the Committee.

SCRep. 937      Higher Education and the Arts and Ocean and Marine Resources  
on H.C.R. No. 154

The purpose of this concurrent resolution is to offer full support for the Marine Option Program's "Hawaiian Ocean Fair Week" to be held April 18-22, 1983, at the University of Hawaii, Manoa Campus, and to urge government, private industry, faculty, students, and the general public to actively participate in the week's events.

Your Committees have been informed that this year's Ocean Fair, co-sponsored by the Campus Center Board, will be the fourth annual event to educate the campus community and the public about many facets of the marine environment and the relationship between the ocean and Hawaii's people. Many members of the state's marine community, public and private, will cooperate to feature various speakers, film and slide shows, an art exhibit and static marine science-related displays in the Campus Center Building.

Your Committees wish to emphasize that it is vital to Hawaii's cultural heritage that its people, particularly its youth, develop an awareness of the natural beauty and potential, as well as the vulnerability of our ocean environment, and the activities of the Ocean Fair would serve as an outstanding educational experience to foster an awareness and appreciation of the marine environment of Hawaii.

Your Committees on Higher Education and the Arts and Ocean and Marine Resources concur with the intent and purpose of H.C.R. No. 154 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 938      Water, Land Use, Development and Hawaiian Affairs and Energy,  
Ecology and Environmental Protection on H.R. No. 349

The purpose of this resolution is to investigate the possibility of establishing a geothermal study committee which would identify and assess potential geothermal resource locations statewide, investigate the feasibility of establishing a geothermal energy resource district, recommend an authority to be responsible for geothermal development throughout the State, and recommend changes in the law in order to implement necessary actions. In addition, the proposed committee may include representatives from the Departments of Land and Natural Resources and of Planning and Economic Development, the Land Use Commission, the University of Hawaii, counties with identified geothermal potential, electric utility companies of those counties, commercial development interests, and the general public.

According to testimony, the proposed creation of geothermal resource areas in the State is consistent with the State Energy Plan in its support for geothermal commercialization. Moreover, your Committees find that the Department of Land and Natural Resources supports S.B. No. 903, S.D. 1, H.D. 2, which would authorize the Board of Land and Natural Resources to establish appropriate geothermal resource areas (AGRAs) after a statewide assessment of geothermal resources and public hearings on the subject are completed. Your Committee is of the opinion that, should the said Senate bill be approved, any interim geothermal study committee should not supersede any authority given to the Board. Therefore, the language of this resolution has been amended so that the interim committee's responsibility would be to monitor the Board's performance in establishing AGRAs. Such amendments include the following:

- (1) In the title of the resolution, the order of the two House Committees and the purpose so that they would monitor the Board's performance in establishing AGRAs, rather than to conduct a feasibility study;
- (2) Deletion of "WHEREAS" clauses which justify the need for the two Committees to establish an interim committee to conduct the feasibility study; and inclusion of "WHEREAS" clauses which indicate that the interim committee would need to monitor the Board's performance in establishing AGRAs; and
- (3) Deletion of the "BE IT RESOLVED" and the first "BE IT FURTHER RESOLVED" clauses; and inclusion of new clauses to reflect the recommended amendments (1) and (2).

Technical and other non-substantive amendments have been made, including the deletion of any reference to the Committee on Legislative Management since this resolution will be referred to it automatically.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Energy, Ecology and Environmental Protection concur with the intent and purpose of H.R. No. 349, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached here to as H.R. No. 349, H.D. 1.

Signed by all members of the Committees.

SCRep. 939 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 370

The purpose of this resolution is to request the Department of Land and Natural Resources to submit rezoning applications to the Hawaii County Planning Department and, as necessary, to the Land Use Commission, in order to redesignate three parcels of State land in Hilo for industrial uses. In addition, the resolution requests the Department of Land and Natural Resources to review the State's other landholdings in order to determine their potential industrial uses.

According to testimony, there is a shortage of reasonably priced industrially zoned lands in the Hilo area. Additional industrial lands in the Hilo area would therefore significantly promote economic development in the County of Hawaii. Your Committee finds that three State-owned and vacant parcels of land in the vicinity of Hilo's General Lyman airport are presently designated as industrial in the Hawaii County General Plan but zoned differently by the Land Use Commission. Your Committee is of the opinion that an approach more prudent than what is proposed in the resolution would be to request the Department of Land and Natural Resources to evaluate certain State lands in the Hilo area for their potential industrial uses.

Your Committee therefore offers the following amendments to the resolution:

- (1) A change in the title of the resolution, eliminating the purpose of redesignation of State lands and requesting the Department of Land and Natural Resources to evaluate State lands in the Hilo area for potential industrial uses;
- (2) The elimination of specific reference to the three State-owned and vacant parcels of land identified by Tax Map Key numbers 2-1-13:2, 2-1-12:29, and 2-1-12:3, in the fourth "WHEREAS" clause;
- (3) The elimination of the "BE IT RESOLVED" and the first "BE IT FURTHER RESOLVED" clauses, to be replaced by the following "BE IT RESOLVED" clause: "that the Department of Land and Natural Resources be requested to evaluate, within its capabilities, certain State lands in the Hilo area for their potential industrial uses";
- (4) Any reference to the Department of Planning and Economic Development; and
- (5) Technical and other non-substantive errors.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 370, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 370, H.D. 1.

Signed by all members of the Committee.

SCRep. 940 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 406

The purpose of this resolution is to request the Department of Land and Natural Resources to negotiate with Parker Ranch for an exchange of State land and ranch land to the southeast of the Waimea-Kohala Airport for the purpose of developing a water storage facility.

According to testimony, there is presently a lack of sufficient reservoir capacity to store water during rainy seasons to be used during dry spells to service domestic and agricultural needs. The Hawaii County Council approved a resolution on March 2, 1983 calling for a similar intent and purpose of this resolution. Moreover, it appears that tentative agreement has been obtained by Parker Ranch trustees for centralizing water storage by means of a land exchange with the State.

Your Committee is in agreement with the intent and purpose of the resolution, and has made several technical and other non-substantive amendments.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 406, as amended herein, and recommends 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 Committee.

SCRep. 941 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 160

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to negotiate with Parker Ranch for an exchange of State land and ranch land to the southeast of the Waimea-Kohala Airport for the purpose of developing a water storage facility.

According to testimony, there is presently a lack of sufficient reservoir capacity to store water during rainy seasons to be used during dry spells to service domestic and agricultural needs. The Hawaii County Council approved a resolution on March 2, 1983 calling for a similar intent and purpose of this concurrent resolution. Moreover, it appears that tentative agreement has been obtained by Parker Ranch trustees for centralizing water storage by means of a land exchange with the State.

Your Committee is in agreement with the intent and purpose of the concurrent resolution, and has made several technical and other non-substantive amendments.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 160, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 160, H.D. 1.

Signed by all members of the Committee.

SCRep. 942 Corrections and Rehabilitation and State General Planning on H.R. No. 422

The purpose of this resolution is to request the Department of Social Services and Housing (DSSH) to conduct a study on the appropriateness of developing a functional plan for public safety and additionally recommend what agencies and programs to include in such a plan. Furthermore, the State Plan Policy Council is requested to evaluate the DSSH study and report its findings and recommendations to the Legislature.

Your Committees received testimony from DSSH, the Department of Planning and Economic Development and other criminal justice agencies supporting this evaluative approach to adding another functional plan to the Hawaii State Plan. DSSH expressed its willingness to conduct this study with other agencies concurring that DSSH is the proper agency to be assigned this responsibility.

Your Committees are in agreement with the importance of functional plans to the state and concur specifically with the need for a functional plan in the area of public safety.

Your Committees on Corrections and Rehabilitation and State General Planning concur with the intent and purpose of H.R. No. 422 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 943 Higher Education and the Arts and Water, Land Use, Development and Hawaiian Affairs on H.R. No. 336

The purpose of this resolution is to request that the State Foundation on Culture and the Arts, in consultation with the Office of Hawaiian Affairs, the Hawaii Visitors Bureau and other interested agencies and Hawaiian organizations, examine the feasibility of establishing a Royal Hawaiian Performing Arts Company as a significant and economically viable touring company to represent native Hawaiian culture to the world.

Your Committees are aware that in recent years there has been a tremendous growth in the level of interest, appreciation, and participation in the traditional performing and musical arts of Hawaii. The native Hawaiian performing arts have become a significant source of pride and identification for all the people of Hawaii.

As art, entertainment, an expression of cultural identity, as well as a profit-making enterprise --the concept of a Royal Hawaiian Performing Arts Company should be explored.

In addition to addressing the items for examination which are outlined in the resolution, your Committees request that the researching organizations consider other names for the Royal Hawaiian Performing Arts Company, as the proposed full title and acronym of "RHPAC" may result in confusion with another already-established entity, the Hawaii

Performing Arts Company (HPAC).

Your Committees on Higher Education and the Arts and Water, Land Use Development and Hawaiian Affairs, concur with the intent and purpose of H.R. No. 336, and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 944 Higher Education and the Arts and Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 131

The purpose of this concurrent resolution is to request that the State Foundation on Culture and the Arts, in consultation with the Office of Hawaiian Affairs, the Hawaii Visitors Bureau and other interested agencies and Hawaiian organizations, examine the feasibility of establishing a Royal Hawaiian Performing Arts Company as a significant and economically viable touring company to represent native Hawaiian culture to the world.

Your Committees are aware that in recent years there has been a tremendous growth in the level of interest, appreciation, and participation in the traditional performing and musical arts of Hawaii. The native Hawaiian performing arts have become a significant source of pride and identification for all the people of Hawaii.

As art, entertainment, an expression of cultural identity, as well as a profit-making enterprise--the concept of a Royal Hawaiian Performing Arts Company should be explored.

In addition to addressing the items for examination which are outlined in the concurrent resolution, your Committees request that the researching organizations consider other names for the Royal Hawaiian Performing Arts Company, as the proposed full title and acronym of "RHPAC" may result in confusion with another already-established entity, the Hawaii Performing Arts Company (HPAC).

Your Committees on Higher Education and the Arts and Water, Land Use Development and Hawaiian Affairs, concur with the intent and purpose of H.C.R. No. 131, and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 945 Transportation on H.R. No. 318

The purpose of this resolution is to request the State Department of Transportation, in consultation with the Department of Land and Natural Resources, to study the feasibility of establishing a program utilizing volunteers to monitor harbors and report violations of applicable rules and regulations to appropriate enforcement personnel. This study would include an examination of potential State liability, the extent to which police powers should be conferred on the volunteers, a determination of the cost effectiveness of such a program and other pertinent matters.

Your Committee finds that because of the limited number of harbor enforcement personnel, it might be beneficial to the State to institute a program utilizing volunteers to report violations of harbors rules and regulations.

Your Committee further finds that prior to establishing such a program, the State should examine the above-stated factors in order to determine the desirability of a volunteer force and the powers such a force should possess.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 318 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 946 Transportation on H.C.R. No. 87

The purpose of this concurrent resolution is to request the State Department of Transportation to prepare an updated feasibility study for a second breakwater at Port Allen Harbor, Kauai, with the assistance of the U.S. Army Corps of Engineers. This study would also consider Port Allen's potential to accommodate some of the albacore fishing fleet and would include an analysis of the need for construction of additional facilities

at Port Allen to accommodate fishing vessels.

Your Committee finds that a 1962 study recommended adding a second breakwater at Port Allen. Your Committee finds that a second breakwater would shelter vessels there from adverse weather conditions and would allow maximum utilization of the port. Finally, your Committee finds that crowding at other harbors in the State will require additional docking facilities at Port Allen to accommodate the expanding number of vessels, primarily fishing boats, in the State.

Your Committee on Transportation is in accord with the intent and purpose of H.C.R. No. 87 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 947 Ocean and Marine Resources and Judiciary on H.C.R. No. 155

The purpose of this concurrent resolution is to request the House Speaker and the Senate President to designate an appropriate committee or committees of the House of Representatives and the Senate to conduct hearings concerning the leasing of ocean and marine resources.

Testimony presented by the Department of Planning and Economic Development attested to the need that issuance of an ocean lease is of great importance to the entrepreneur who will need a security of tenure in order to make the necessary major investments for new ocean technologies such as OTEC, marine mining and mariculture.

Your Committees believe that this concurrent resolution will provide the public the opportunity to review and discuss the proposed guidelines and procedures for the granting of leases for research and commercial ocean activities within state marine waters and submerged lands.

Your Committees have amended this concurrent resolution where necessary to reflect and expand the concerns of the members of the Committees.

Your Committees have also amended the title of this concurrent resolution by substituting "Legislature" for "House of Representatives".

Your Committees on Ocean and Marine Resources and Judiciary concur with the intent and purpose of H.C.R. No. 155, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 155, H.D. 1.

Signed by all members of the Committees except Representative Nakata.

SCRep. 948 Ocean and Marine Resources and Judiciary on H.R. No. 398

The purpose of this resolution is to request the House Speaker to designate an appropriate committee or committees of the House of Representatives to conduct hearings concerning the leasing of ocean and marine resources.

Testimony presented by the Department of Planning and Economic Development attested to the need that issuance of an ocean lease is of great importance to the entrepreneur who will need a security of tenure in order to make the necessary major investments for new ocean technologies such as OTEC, marine mining and mariculture.

Your Committees believe that this resolution will provide the public the opportunity to review and discuss the proposed guidelines and procedures for the granting of leases for research and commercial ocean activities within state marine waters and submerged lands.

Your Committees have amended this resolution where necessary to reflect and expand the concerns of the members of the Committees.

Your Committees on Ocean and Marine Resources and Judiciary concur with the intent and purpose of H.R. No. 398, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 398, H.D. 1.

Signed by all members of the Committees except Representative Nakata.



SCRep. 949 Ocean and Marine Resources on H.R. No. 416

The purpose of this resolution is to request the Department of Planning and Economic Development to undertake a prototype ocean resource data inventory and ocean use mapping system in coordination with the Department of Land and Natural Resources and other State agencies which have responsibilities concerning ocean resources and uses.

According to testimony presented by the Department of Planning and Economic Development, there are no systems presently existing to provide Hawaii's decision-makers with ocean data such as ocean current, temperature and fish and other information on present ocean uses that will be required for the prudent allocation of ocean resources and future uses for specific geographical areas.

Your Committee believes that this resolution will increase the awareness of environmental concerns and management goals in the decision-making process.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 416 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Nakata.

SCRep. 950 Ocean and Marine Resources on H.C.R. No. 162

The purpose of this concurrent resolution is to request the Department of Planning and Economic Development to undertake a prototype ocean resource data inventory and ocean use mapping system in coordination with the Department of Land and Natural Resources and other State agencies which have responsibilities concerning ocean resources and uses.

According to testimony presented by the Department of Planning and Economic Development, there are no systems presently existing to provide Hawaii's decision-makers with ocean data such as ocean current, temperature and fish and other information on present ocean uses that will be required for the prudent allocation of ocean resources and future uses for specific geographical areas.

Your Committee believes that this concurrent resolution will increase the awareness of environmental concerns and management goals in the decision-making process.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 162 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Nakata.

SCRep. 951 Housing on H.C.R. No. 166

The purpose of this concurrent resolution is to request that the counties investigate the degree of earthquake risk and to implement more stringent earthquake resistance standards in the building codes where necessary.

Your Committee, on the one hand, recognizes that the building codes are under the jurisdiction of the counties and does not wish to overstep its jurisdiction by mandating amendments to the building codes. On the other hand, your Committee is concerned about the health and safety of Hawaii's residents, especially in light of seismological data which indicate that Hawaii is in an area of greater earthquake risk than previously estimated.

Your Committee heard testimony in favor of the concurrent resolution from the Building Superintendent of the City and County of Honolulu. He stated that while the City and County may hire a consultant with the necessary expertise in the area to coordinate the study, he stated that the City and County would pay for the consultant's services and there would be no cost to the State. Members from various private sector building organizations and professional associations also testified in support of this concurrent resolution.

Your Committee has amended this concurrent resolution to make technical, nonsubstantive changes.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 166,

as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 166, H.D. 1.

Signed by all members of the Committee.

SCRep. 952      Housing on H.R. No. 429

The purpose of this resolution is to request that the counties investigate the degree of earthquake risk and to implement more stringent earthquake resistance standards in the building codes where necessary.

Your Committee, on the one hand, recognizes that the building codes are under the jurisdiction of the counties and does not wish to overstep its jurisdiction by mandating amendments to the building codes. On the other hand, your Committee is concerned about the health and safety of Hawaii's residents, especially in light of seismological data which indicate that Hawaii is in an area of greater earthquake risk than previously estimated.

Your Committee heard testimony in favor of the resolution from the Building Superintendent of the City and County of Honolulu. He stated that while the City and County may hire a consultant with the necessary expertise in the area to coordinate the study, he stated that the City and County would pay for the consultant's services and there would be no cost to the State. Members from various private sector building organizations and professional associations also testified in support of this resolution.

Your Committee has amended this resolution to make technical, nonsubstantive changes.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 429, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 429, H.D. 1.

Signed by all members of the Committee.

SCRep. 953      Higher Education and the Arts on H.R. No. 326

The purpose of this resolution is to request that the University of Hawaii devise a master plan for the Lyon Arboretum for the cultural and economic development of Hawaii, and submit a master plan copy to the Legislature twenty days before the Regular Session of 1984.

Your Committee has been informed that the 124-acre Harold L. Lyon Arboretum came under the jurisdiction of the University of Hawaii in 1953. Located 2.5 miles from the main campus in upper Manoa Valley and situated in a tropical rain forest-type environment, the arboretum is an invaluable resource unrivaled by any other botanical garden or arboretum in the United States.

In recent years the arboretum has expanded its functions beyond the original object of housing outstanding plant collections to facilitating and executing research, instruction, and public service.

In order to better utilize its resources, a non-profit community support group, the Lyon Arboretum Association, was organized and incorporated in 1974. Its current 1,000 membership made up of 1,500 individuals has provided support through co-sponsorship of programs, fund raising, and volunteer services. Last year volunteers guided 15,000 visitors through the grounds which lack restrooms or drinking fountains for public use.

According to testimony heard by your Committee, Lyon Arboretum has reached a point in its development where a master plan is both desirable and inevitable in order that future growth can be channeled and prioritized, and fullest potential thus realized for the benefit of the University of Hawaii system and the economic development of the state of Hawaii. For example, with the arboretum being the only tropical arboretum in the United States connected to a university, more on-the-job training programs could be developed for students majoring in horticulture and botany. More new plants could be brought in from countries with similar climates, tested, propagated and released to the nursery industry.

The concept of desired growth in an orderly manner through a master plan also applies to the current support system of volunteers. Four and one-half staff members including

a part-time secretary presently use only 40 of the arboretum's 124 acres. One hundred volunteers work regularly, without a coordinating staff member. This system could be more efficient if there were a full-time coordinator to recruit, train, and schedule daily assignments. The guided tours could be developed and expanded for tourists, as present tour groups are comprised mostly of residents.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 326, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 954 Higher Education and the Arts on H.C.R. No. 125

The purpose of this resolution is to request that the University of Hawaii devise a master plan for the Lyon Arboretum for the cultural and economic development of Hawaii, and submit a master plan copy to the Legislature twenty days before the Regular Session of 1984.

Your Committee has been informed that the 124-acre Harold L. Lyon Arboretum came under the jurisdiction of the University of Hawaii in 1953. Located 2.5 miles from the main campus in upper Manoa Valley and situated in a tropical rain forest-type environment, the arboretum is an invaluable resource unrivaled by any other botanical garden or arboretum in the United States.

In recent years the arboretum has expanded its functions beyond the original object of housing outstanding plant collections to facilitating and executing research, instruction, and public service.

In order to better utilize its resources, a non-profit community support group, the Lyon Arboretum Association, was organized and incorporated in 1974. Its current 1,000 membership made up of 1,500 individuals has provided support through cosponsorship of programs, fund raising, and volunteer services. Last year volunteers guided 15,000 visitors through the grounds which lack restrooms or drinking fountains for public use.

According to testimony heard by your Committee, Lyon Arboretum has reached a point in its development where a master plan is both desirable and inevitable in order that future growth can be channeled and prioritized, and fullest potential thus realized for the benefit of the University of Hawaii system and the economic development of the state of Hawaii. For example, with the arboretum being the only tropical arboretum in the United States connected to a university, more on-the-job training programs could be developed for students majoring in horticulture and botany. More new plants could be brought in from countries with similar climates, tested, propagated and released to the nursery industry.

The concept of desired growth in an orderly manner through a master plan also applies to the current support system of volunteers. Four and one-half staff members including a part-time secretary presently use only 40 of the arboretum's 124 acres. One hundred volunteers work regularly, without a coordinating staff member. This system could be more efficient if there were a full-time coordinator to recruit, train, and schedule daily assignments. The guided tours could be developed and expanded for tourists, as present tour groups are comprised mostly of residents.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 125, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 955 Human Services and Judiciary on H.R. No. 104

The purpose of this resolution is to make available information and data which would facilitate an intelligent decision as to whether mandatory minimum child support payments should be established.

Your Committees find that although the Family Court has adopted a child support payment schedule based on the ability of the non-custodial parent to pay support, the judge determining the amount of support may diverge from the schedule when unusual circumstances exist. There is therefore no guaranteed level of support for the custodial parent and his or her children.

Unfortunately, children who are not being supported by their parents may suffer greatly and unfairly if the non-custodial parent pays an insufficient amount of child support. In order to protect these children's best interests, your Committees would like to consider the establishment of mandatory minimum child support payments which would guarantee at least a minimum level of support and mitigate suffering resulting from insufficient support.

Your Committees recognize, however, that there is a dearth of data and information upon which to base an intelligent decision about a mandatory minimum payment. The scope of the problem, the number of children who would benefit from a mandatory minimum, needs to be defined. Any adverse effects which could possibly arise from the establishment of a mandatory minimum need to be enumerated for consideration by the Legislature. Special concerns which judges consider in determining the level of child support also need to be enumerated to broaden the Legislature's view of the problem.

In light of these concerns, and in light of concern that a comprehensive study may be beyond the capacity of the Family Court to conduct, your Committees have amended the resolution to specify priority information germane to a decision on mandatory minimum child support payments. Your Committees have also made the Legislative Reference Bureau the lead agency in conducting the study.

Your Committees agree that the establishment of mandatory minimum child support payments is worth considering to protect the best interests of children who may be caught in the emotional crossfire that sometimes results from divorce or separation. There may be an urgent need for this type of legislation. Yet, to avoid rushing recklessly into a hasty decision which may bring about unintended consequences, your Committees feel that the Legislature requires information of the type requested in this resolution.

Your Committees on Human Services and Judiciary concur with the intent and purpose of H.R. No. 104, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 104, H.D. 1.

Signed by all members of the Committees.

SCRep. 956 Education on H.R. No. 393

The purpose of this resolution is to request the Legislative Reference Bureau to study the conflicts in powers and responsibilities between the Board of Education and the Governor and the Legislature and to assess various alternative means of governance.

The Board of Education supports a study to examine the jurisdictional conflicts, but does not feel the study should include an analysis of alternatives to an elected board.

Your Committee disagrees. Rather, your Committee believes that a narrowly focused study would be meaningless; the efforts of the Legislative Reference Bureau would be much more useful to the Legislature if the entire array of alternatives were to be examined.

Your Committee has made several amendments to this resolution in clarifying that its intent is for as broad a study as possible. Accordingly, the title of the resolution has been expanded to include the superintendent and several whereas clauses have been added. Also, several technical and clerical corrections have been made.

Your Committee on Education concurs with the intent and purpose of H.R. No. 393, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 393, H.D. 1.

Signed by all members of the Committee.

SCRep. 957 Education on H.R. No. 377

The purpose of this resolution is to request the House Committee on Education to conduct a comprehensive evaluation concerning the District School Advisory Councils and the School Community Councils of the Department of Education to determine their respective effectiveness, the need for continued existence, and how they can be better improved.

Your Committee finds that the District School Advisory Councils are generally attempting to fulfill their statutory role by disseminating information to the School Community Councils,

and by attempting to address problems that are referred to them or brought to their attention.

The District School Advisory Councils have been hampered by a number of problems, some of which have continued to exist since those problems were identified in the 1973 management audit of the Department of Education. The District School Advisory Councils have been plagued with vacancies which have not been promptly filled, and have had members who did not regularly attend meetings. In certain cases, some of the individuals who should have been working with the District School Advisory Councils, such as principals, teachers, students and community members have not been working with the District School Advisory Councils or were unaware of their existence. There is generally poor attendance and little input by the public at some of the District School Advisory Council meetings. Also, many people tend to bypass the District School Advisory Councils when they have problems by going directly to the District Superintendent, the Department of Education, the Board of Education members, and the state legislators.

Your Committee finds that there needs to be a better working relationship between the Board of Education, the Department of Education and the District School Advisory Councils. There have been complaints by the District School Advisory Council members that they are not receiving enough advance notice of the agenda of the Board of Education meetings, thus, they are unable to deal with these matters at their own meetings. Testimony received from the Department of Education and the Board of Education state that steps are being taken to address these problem areas. Additionally, your Committee believes that there can be a meaningful role for the District School Advisory Councils in the educational process.

The District School Advisory Councils were created by the Legislature in 1966, and because problems have existed for many years, your Committee believes that it is important to comprehensively review and evaluate this program. Your Committee wants to ensure that if the District School Advisory Councils continue to exist, administrators, teachers, parents, students, and members of the community are actively involved.

With respect to the School Community Councils created recently by the Board of Education, your Committee feels that it is appropriate to review and evaluate their effectiveness. The SCCs should be playing an important advisory role, especially regarding such matters as allocating the School Priority Fund monies at their respective schools. Your Committee wants to ensure that these councils are well represented by administrators, teachers, parents, students, and members of the community.

Your Committee has amended this resolution to have the Committee on Education report its findings and recommendations 30 days prior to the convening of the 1984 Legislature.

Your Committee on Education is in accord with the intent and purpose of H.R. 377, as amended herein and recommends that it be referred to the Committee on Legislative Management in the form attached here to as H.R. No. 377, H.D. 1.

Signed by all members of the Committee.

SCRep. 958      Education on H.R. No. 163

The purpose of this resolution is to have the Department of Education conduct a study to identify problems in secondary school counseling services and to develop possible solutions, recommendations, plans for correction and a timetable for implementation of corrections.

Your Committee finds that the public secondary school population has students with a wide range of counseling needs, including, but not limited to, long-term career planning for all students, short-term career planning for students who wish to start their careers immediately upon graduation, college planning, individual and group counseling, and a variety of other areas in which the school counselor is utilized. The delineation of counselor responsibilities is not clear and therefore, the school counselor position has become a catch-all for miscellaneous assignments that other school personnel do not have the time for, or specific responsibility to perform.

Your Committee has amended this resolution to request that the Legislative Reference Bureau conduct the study since previous in-house program evaluations have often been criticized for lack of objectivity. Your Committee has further amended this resolution to request that the Legislative Reference Bureau submit its findings and recommendations 20 days prior to the convening of the 1985 Legislature and that copies of this resolution be transmitted to the respective agencies involved.

Your Committee on Education concurs with the intent and purpose of H.R. No. 163, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 163, H.D. 1.

Signed by all members of the Committee.

SCRep. 959 Education on H.R. No. 341

The purpose of this resolution is to have the Department of Education select one course or program at a designated school or schools to serve as the basis for a pilot project in the development of area vocational centers in Hawaii.

The Department of Education recognizes that there is a wide disparity among schools in course offerings in the various occupational clusters, especially between large and small high schools. Considering the present physical constraints, the Department of Education considered 11 different approaches to address this problem and found that the area vocational centers seem to be the best alternative to further investigate. The concept of the area vocational center is to designate an existing school to be used as an advanced skill training center that will draw students from within the school district. This center, by consolidating the varied resources, will be able to provide the students with a more intensive and varied skill training that will be responsive to the needs of the job market.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 341 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 960 Education on H.R. No. 113

The purpose of this resolution is to have the Department of Education take positive steps to review and improve the sex education program in the public schools.

Your Committee finds that the current sex education program may not be receptive to the students' needs and a more effective program, which can answer the questions of the students in a simple, straightforward manner will provide them with factual information to make responsible decisions, is necessary at this time. Also, concerns were raised during the hearing that adequate teacher training is not being provided by the Department of Education in the area of sex education programs.

Your Committee on Education is in accord with the intent and purpose of H.R. 113, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 961 Education on H.R. No. 32

The purpose of this resolution is to review the need for an expanded vocational education program, and in particular, the need for and feasibility of establishing vocational/technical training centers.

Your Committee finds that in these times of fiscal austerity, rising tuition and reduced financial assistance have diminished the attractiveness of higher education and the possible employment advantage resulting from higher education. Therefore, many students are entering the job market directly after graduation from high school and must learn the skills required by today's job market. Your Committee feels that these skills that are required in today's job market should be provided by the high schools through an expanded vocational education program.

Your Committee has amended this resolution to include in the review process, the vocational education programs training students for high technology industries.

Your Committee on Education concurs with the intent and purpose of H.R. No. 32, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 32, H.D. 1.

Signed by all members of the Committee.

SCRep. 962 Education on H.C.R. No. 133

The purpose of this concurrent resolution is to have the Department of Education select one course or program at a designated school or schools to serve as the basis for a pilot project in the development of area vocational centers in Hawaii.

The Department of Education recognizes that there is a wide disparity among schools in course offerings in the various occupational clusters, especially between large and small high schools. Considering the present physical constraints, the Department of Education considered 11 different approaches to address this problem and found that the area vocational centers seem to be the best alternative to further investigate. The concept of the area vocational center is to designate an existing school to be used as an advanced skill training center that will draw students from within the school district. This center, by consolidating the varied resources, will be able to provide the students with a more intensive and varied skill training that will be responsive to the needs of the job market.

Your Committee on Education is in accord 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. 963 Education on H.R. No. 212

The purpose of this resolution is to have the House Committee on Education, the Department of Education and the University of Hawaii's Community College vocational education educators meet during the interim to identify alternative methods and processes by which vocational education needs can best be met in the high schools.

Your Committee finds that technological advances in an ever-changing and complex society require that a work force is technically and academically competent. The high school vocational education programs should be able to adequately prepare graduating seniors to enter this work force directly after graduation or continue on with post-secondary vocational education.

Your Committee has amended this resolution to reflect the House Education Committee, rather than the House Higher Education Committee, meet with the Department of Education and the University of Hawaii's Community College vocational education educators.

Your Committee on Education is in accord with the intent and purpose of H.R. 212, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. 212, H.D. 1.

Signed by all members of the Committee.

SCRep. 964 Education on H.R. No. 237

The purpose of this resolution is to have the Department of Education conduct a feasibility study of converting their course in family living from an elective course to a required course for high school graduation.

Your Committee finds that the family living course is a general preparatory course on home living and the management of the family after graduation from high school, which includes a general overview of the laws which affect families. In today's complex and ever-changing society, there is a great need to prepare students for the intricacies and responsibilities of family and home living.

Your Committee on Education concurs with the intent and purpose of H.R. No. 237 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 965 Education on H.C.R. No. 86

The purpose of this concurrent resolution is to have the Department of Education conduct a feasibility study of converting their course in family living from an elective course to a required course for high school graduation.

Your Committee finds that the family living course is a general preparatory course on home living and the management of the family after graduation from high school, which includes a general overview of the laws which affect families. In today's complex and ever-changing society, there is a great need to prepare students for the intricacies and responsibilities of family and home living.

Your Committee on Education is in accord with the intent and purpose of H.C.R. No. 86 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 966      Education on H.R. No. 153

The purpose of this resolution is to have the Department of Education conduct a feasibility study on the establishment of an intermediate school for the Makakilo-West Beach area.

The Department of Education has stated that Ilima Intermediate School has adequate capacity to accommodate any unanticipated growth problems in the Makakilo-West Beach community. However, the traveling distance between Ilima Intermediate School and the Makakilo-West Beach area is approximately six miles, and this distance causes some problems for the community members. Your Committee finds that the Makakilo-West Beach community is a relatively new community with an increasing population and warrants such a feasibility study.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 153 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 967      Education on H.C.R. No. 56

The purpose of this resolution is to have the Department of Education conduct a feasibility study on the establishment of an intermediate school for the Makakilo-West Beach area.

The Department of Education has stated that Ilima Intermediate School has adequate capacity to accommodate any unanticipated growth problems in the Makakilo-West Beach community. However, the traveling distance between Ilima Intermediate School and the Makakilo-West Beach area is approximately six miles, and this distance causes some problems for the community members. Your Committee finds that the Makakilo-West Beach community is a relatively new community with an increasing population and warrants such a feasibility study.

Your Committee on Education is in accord with the intent and purpose of H.C.R. 56 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 968      Consumer Protection and Commerce on H.R. No. 154

The purpose of this resolution is to urge the commercial and cable networks to include Hawaii in their daily national weather reports. Due to Hawaii's physical separation from Alaska and the forty-eight contiguous states, reports of Hawaii's weather are usually omitted from the national weather reports.

Your Committee finds that television shows such as "Good Morning America" and "Today" as well as the networks which report the nation's weather subtly discriminate against Hawaii when reporting the weather by their failure to include Hawaii's weather report with the report of the entire nation's weather.

Testimony in favor of the resolution was received from the Hawaii Visitor's Bureau and the Hawaii Hotel Association.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 154 and recommends that it be adopted.

Signed by all members of the Committee.



SCRep. 969 Consumer Protection and Commerce on H.C.R. No. 57

The purpose of this concurrent resolution is to urge the commercial and cable networks to include Hawaii in their daily national weather reports. Due to Hawaii's physical separation from Alaska and the forty-eight contiguous states, reports of Hawaii's weather are usually omitted from the national weather reports.

Your Committee finds that television shows such as "Good Morning America" and "Today" as well as the networks which report the nation's weather subtly discriminate against Hawaii when reporting the weather by their failure to include Hawaii's weather report with the report of the entire nation's weather.

Testimony in favor of the resolution was received from the Hawaii Visitor's Bureau and the Hawaii Hotel Association.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 57 and recommends that it be adopted.

Signed by all members of the Committee.

SCRep. 970 Employment Opportunities and Labor Relations on H.C.R. No. 172

The purpose of this concurrent resolution is to request a comprehensive study by the Legislative Auditor of the State of Hawaii of all causes and other matters, events, organizations, including labor, employers, government, medical and rehabilitation professions and the insurance industry with a special emphasis upon ways to reduce or stabilize costs while at the same time maintaining benefits at existing levels, or ideally providing increased benefits at reduced employers' cost.

Your Committee, after hearing testimonies from the Department of Labor and Industrial Relations, the Insurance Commissioner of the Department of Commerce and Consumer Affairs, Hawaii Business League, National Federation of Independent Business, Safety Director of the Hawaiian Telephone Company, Construction Industry Legislative Organization, Inc., Chamber of Commerce of Hawaii, Manufacturers Association of the State of Hawaii, Inc., and the Small Business Council of the Chamber of Commerce of Hawaii, finds that all these parties recognize the urgent need to address the workers' compensation issue and are in support of this concurrent resolution.

Your Committee requests an interim report be submitted twenty days before the convening of the 1984 Legislature and a final report be submitted twenty days before the convening of the 1985 Legislature. The interim report will include findings and recommendations, which will permit legislative action to be initiated. Accordingly, your Committee has amended this concurrent resolution to include this provision.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.C.R. No. 172, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 172, H.D. 1.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 971 Employment Opportunities and Labor Relations on H.C.R. No. 135

The purpose of this concurrent resolution is to study the feasibility of establishing coordinated employment and training programs that would provide the unemployed, displaced, and underemployed individuals with training in specific skills or trades and work experiences to assist them in their transition to permanent jobs in the private and public sectors.

Your Committee finds that the State is undergoing a transition from federally funded employment and training programs to the "new federalism" concept which provides "block grants" funds to the states. Under this concept, the federal government is relieved of considerable responsibility and the state and local governments are required to provide the service for job training and employment opportunity programs. To this end, your Committee is cognizant that the Governor has appointed a 30 member advisory council, The Hawaii Job Training Coordinating Council.

The State Commission on Manpower and Full Employment submitted testimony to the

Committee supporting the concurrent resolution's intent as a means of establishing a state-wide comprehensive employment and training program but recommended that a report rather than a feasibility study be submitted to the Legislature twenty days prior to the convening of the Regular Session of 1984 on how the status of employment and training programs and the needs of the various target groups are being served. The Committee amended the concurrent resolution to reflect these recommended changes.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.C.R. No. 135, as amended herein, and recommends 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 Committee.

SCRep. 972      Employment Opportunities and Labor Relations on H.R. No. 325

The purpose of this resolution is to have the Commission on Manpower and Full Employment in cooperation with other divisions of the Department of Labor and Industrial Relations and in conjunction with the Department of Planning and Economic Development develop a comprehensive employment plan for the State of Hawaii by integrating and coordinating the work of all agencies providing employment, training, education, and related services.

Your Committee, after hearing testimonies from the Director, Department of Labor and Industrial Relations and the Executive Secretary, State Commission on Manpower and Full Employment, finds that the employment planning process in Hawaii involves a number of different agencies, as is pointed out in the resolution, and an integrated and coordinated approach will better serve the needs of the people. This Resolution will permit a plan to be developed to meet this requirement.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 325 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 973      Education on H.R. No. 265

The purpose of this resolution is to recognize Hawaii's gifted and talented children and to declare the week of May 14 through 20, 1983 Hawaii Gifted and Talented Children's Week.

Your Committee finds that a number of children are certified as gifted and talented and their performance is an indication of exceptional ability, talent, achievement, and service to our community. Many people are not aware of the achievements of these children, and it is desirable that public recognition be made to increase the awareness of the gifted and talented children in the community.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 265 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 974      Education on H.R. No. 172

The purpose of this resolution is to support the establishment of post-season high school football playoff games on the neighbor islands.

Your Committee finds that while there is a post-season Oahu football playoff game called the Oahu Prep Bowl, there are no post-season football playoff games for the neighbor islands. Post-season playoff games on the neighbor islands would improve the level of competition while determining a neighbor island champion.

Your Committee has amended this resolution to urge the Hawaii Interscholastic Athletic Directors Association to support the establishment of post-season high school football playoff games, since it was shown in testimony presented by the Department of Education, that this body has the appropriate authority in this area. The title of this resolution has been changed to reflect this amendment.

Your Committee on Education concurs with the intent and purpose of H.R. No. 172, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 172, H.D. 1.

Signed by all members of the Committee.

SCRep. 975 Finance on H.C.R. No. 91

The purpose of this concurrent resolution is to request the Insurance Commissioner, in conjunction with representatives of the Hawaii Bar Association, insurance industry, and the office of the Legislative Auditor, to study the necessity and feasibility of a comprehensive review of the Hawaii insurance laws.

The Department of Commerce and Consumer Affairs and the Hawaii Insurers Council testified favorably on behalf of the resolution.

The Hawaii insurance laws may benefit by a new and comprehensive restatement because the insurance laws are fragmented and, in some areas, out-of-date. Thus a feasibility study appears strongly justified.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 91 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 976 Transportation on H.C.R. No. 98

The purpose of this concurrent resolution is to request the United States government to provide funding to the State to improve Saddle Road on the Island of Hawaii.

Your Committee finds that Saddle Road on the Island of Hawaii is a vital link between the east and west sides of the Big Island but that it is badly in need of repair. Your Committee finds that there is a significant military usage of Saddle Road, particularly by the Army and Marine Corps in transit to and from Pohakuloa. It also finds that use of heavy military equipment and military vehicles on the Saddle Road is a significant factor in the road's poor condition and rate of deterioration. Therefore, your Committee feels that it is appropriate to request the United States to provide funding on a noncontinuing basis for the improvement of Saddle Road, Island of Hawaii.

Your Committee on Transportation is in accord with the intent and purpose of H.C.R. No. 98 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 977 Agriculture on H.R. No. 324

The purpose of this resolution is to direct the Department of Agriculture to evaluate the real property located in Kailua, Oahu as to its suitability for agricultural production and to study alternative plans for its acquisition.

Your Committee finds that in December, 1982, the Department of Land and Natural Resources (DLNR) examined the parcels of land in Kailua, Oahu identified as TMK: 4-2-06:01, 4-2-08:01 and 4-2-09:01 totalling 1,087.9 acres. The initial findings indicated that, although the lands may have some agricultural potential, the acquisition cost of approximately \$8,230,000 may outweigh the advantages to be derived. Your Committee also finds that DLNR's examination does not provide sufficient information as to the agricultural viability of these lands.

The Hawaii Farm Bureau Federation testified in support of the intent of this measure. The Chairman of the Board of Agriculture recommended that DLNR be requested to conduct that portion of the study addressing alternative plans for the acquisition of these lands.

Your Committee has, therefore, amended this measure to request a report by DLNR on possible alternative plans for the acquisition of such lands and included provision for input from the county.

Your Committee has further amended the "BE IT RESOLVED" and fourth "WHEREAS"

clauses to specifically identify the lands under consideration.

Your Committee has also made some technical, nonsubstantive amendments to this measure for purposes of style and clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 324, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 324, H.D. 1.

Signed by all members of the Committee.

SCRep. 978      Agriculture on H.C.R. No. 138

The purpose of this concurrent resolution is to direct the Department of Agriculture to evaluate the real property located in Kailua, Oahu as to its suitability for agricultural production and to study alternative plans for its acquisition.

Your Committee finds that in December, 1982, the Department of Land and Natural Resources (DLNR) examined the parcels of land in Kailua, Oahu identified as TMK: 4-2-06:01, 4-2-08:01 and 4-2-09:01 totalling 1,087.9 acres. The initial findings indicated that, although the lands may have some agricultural potential, the acquisition cost of approximately \$8,230,000 may outweigh the advantages to be derived. Your Committee also finds that DLNR's examination does not provide sufficient information as to the agricultural viability of these lands.

The Hawaii Farm Bureau Federation testified in support of the intent of this measure. The Chairman of the Board of Agriculture recommended that DLNR be requested to conduct that portion of the study addressing alternative plans for the acquisition of these lands.

Your Committee has, therefore, amended this measure to request a report by DLNR on possible alternative plans for the acquisition of such lands and included provision for input from the county.

Your Committee has further amended the "BE IT RESOLVED" and fourth "WHEREAS" clauses to specifically identify the lands under consideration.

Your Committee has also made some technical, nonsubstantive amendments to this measure for purposes of style and clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 138, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 138, H.D. 1.

Signed by all members of the Committee.

SCRep. 979      Agriculture on H.R. No. 358

The purpose of this measure is to direct the Department of Agriculture to explore the feasibility of establishing a special agricultural loan program to provide financial assistance at affordable interest rates to large agricultural enterprises during economic emergencies.

Your Committee finds that previous legislative efforts to assist the sugar industry have included funds for sugar research and reduced excise taxes on fertilizers and agricultural chemicals purchased by farmers. Additionally, the industry has implemented cost-reduction programs in an attempt to insure the long term viability of its operations.

Your Committee finds that despite these efforts, a key problem remains the inability of the sugar industry to obtain capital at reasonable interest rates. An agricultural loan program designed to meet large agricultural enterprises' capital requirements is needed to assist Hawaii's major industries during these difficult economic times.

Your Committee has heard testimony in support of this measure from the Hawaiian Sugar Planters' Association. The Chairman of the Board of Agriculture also testified in support of this measure and recommended that this study be conducted by the Legislative Reference Bureau, an independent body with resources to investigate and research this problem.

Your Committee concurs with the recommendation of the Chairman of the Board of Agriculture and has, therefore, amended this measure accordingly.

Your Committee on Agriculture concurs 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 Committee.

SCRep. 980      Agriculture on H.C.R. No. 146

The purpose of this measure is to direct the Department of Agriculture to explore the feasibility of establishing a special agricultural loan program to provide financial assistance at affordable interest rates to large agricultural enterprises during economic emergencies.

Your Committee finds that previous legislative efforts to assist the sugar industry have included funds for sugar research and reduced excise taxes on fertilizers and agricultural chemicals purchased by farmers. Additionally, the industry has implemented cost-reduction programs in an attempt to insure the long term viability of its operations.

Your Committee finds that despite these efforts, a key problem remains the inability of the sugar industry to obtain capital at reasonable interest rates. An agricultural loan program designed to meet large agricultural enterprises' capital requirements is needed to assist Hawaii's major industries during these difficult economic times.

Your Committee has heard testimony in support of this measure from the Hawaiian Sugar Planters' Association. The Chairman of the Board of Agriculture also testified in support of this measure and recommended that this study be conducted by the Legislative Reference Bureau, an independent body with resources to investigate and research this problem.

Your Committee concurs with the recommendation of the Chairman of the Board of Agriculture and has, therefore, amended this measure accordingly.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 146, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 146, H.D. 1.

Signed by all members of the Committee.

SCRep. 981      Consumer Protection and Commerce on H.R. No. 452

The purpose of this resolution is to request the Real Estate Commission and the Real Property and Financial Services Section of the Hawaii State Bar Association to appoint a joint committee to examine Chapter 514A, Hawaii Revised Statutes, Horizontal Property Regimes, and rules adopted pursuant thereto.

The chapter on Horizontal Property Regimes was enacted in 1963 and reorganized in 1977. Subsequently various sections have been amended. It is now appropriate to conduct a comprehensive analysis of the law to clarify areas of uncertainty and ensure that piecemeal amendments have not detracted from its effectiveness as an integrated piece of legislation. Testimony in support of this review was submitted by the Real Estate Commission. The Commission also suggested that language be added to specifically address the issue that public reports be in plain language. Your Committee has amended this bill to adopt the Real Estate Commission's suggestion.

Testimony from a representative of condominium owners recommended that any study include input from condominium owners. Your Committee supports such a suggestion.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 452, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 452, H.D. 1.

Signed by all members of the Committee except Representative Hayes.

SCRep. 982      Consumer Protection and Commerce on H.C.R. No. 173

The purpose of this concurrent resolution is to request the Real Estate Commission

and the Real Property and Financial Services Section of the Hawaii State Bar Association to appoint a joint committee to examine Chapter 514A, Hawaii Revised Statutes, Horizontal Property Regimes, and rules adopted pursuant thereto.

The chapter on Horizontal Property Regimes was enacted in 1963 and reorganized in 1977. Subsequently various sections have been amended. It is now appropriate to conduct a comprehensive analysis of the law to clarify areas of uncertainty and ensure that piecemeal amendments have not detracted from its effectiveness as an integrated piece of legislation. Testimony in support of this review was submitted by the Real Estate Commission. The Commission also suggested that language be added to specifically address the issue that public reports be in plain language. Your Committee has amended this bill to adopt the Real Estate Commission's suggestion.

Testimony from a representative of condominium owners recommended that any study include input from condominium owners. Your Committee supports such a suggestion.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 173, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 173, H.D. 1.

Signed by all members of the Committee.

SCRep. 983      Water, Land Use, Development and Hawaiian Affairs and Agriculture  
on H.R. No. 428

The purpose of this resolution is to request the Department of Land and Natural Resources to initiate negotiations with the Trustees of the Bishop Estate in order to accomplish an exchange of cultivable Bishop Estate lands with State lands in Kona, Hawaii; and to commence a plan and its specifications for development of agricultural parks, or any other method, which would accomplish the purpose of protecting agricultural parcels in the said area.

Your Committees heard testimony from South Kona farmers, including the Kona Farmer Advisory Board and the Kona Farmers Cooperative. They registered strong protest in opposition to the revised policy of the Trustees of the Bishop Estate. Your Committees also heard testimony from representatives of the Bishop Estate explaining their policies and lease renewal processes.

Your Committees are of the opinion that a land exchange as proposed by this resolution may not be warranted at this time. Discussions among all interested and affected parties, including face-to-face discussions between the Estate and its lessees in South Kona, need to continue in order to resolve conflicts among the parties. Your Committees have amended the resolution in the following manner:

- (1) To eliminate in the title of the resolution the purpose of any possible land exchange between the State and the Bishop Estate; and to request the State, including the Governor's Agriculture Coordinating Committee, the County of Hawaii, Kona farmers, and the Bishop Estate to discuss means for protecting the integrity of present agricultural parcels in Kona;
- (2) To delete the last three "WHEREAS", the "BE IT RESOLVED", and the first "BE IT FURTHER RESOLVED" clauses, on page 2 of the resolution; and
- (3) To resolve:
  - (a) That appropriate representatives of the State of Hawaii, the Governor's Agriculture Coordinating Committee, the County of Hawaii, Kona farmers, and the Bishop Estate meet to discuss means to protect the integrity of existing parcels of agricultural lands in South Kona;
  - (b) That the Bishop Estate be requested to clarify and modify the terms and conditions being included in the leases being offered the Kona farmers; and
  - (c) That the County of Hawaii explore means to assist the Kona farmers through zoning powers which the County can exercise without undue hardship being placed on the Bishop Estate.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture concur with the intent and purpose of H.R. No. 428, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 428, H.D. 1.

Signed by all members of the Committees .

SCRep. 984      Water, Land Use, Development and Hawaiian Affairs and Agriculture  
on H.C.R. No. 167

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to initiate negotiations with the Trustees of the Bishop Estate in order to accomplish an exchange of cultivable Bishop Estate lands with State lands in Kona, Hawaii; and to commence a plan and its specifications for development of agricultural parks, or any other method, which would accomplish the purpose of protecting agricultural parcels in the said area.

Your Committees heard testimony from South Kona farmers, including the Kona Farmer Advisory Board and the Kona Farmers Cooperative. They registered strong protest in opposition to the revised policy of the Trustees of the Bishop Estate. Your Committees also heard testimony from representatives of the Bishop Estate explaining their policies and lease renewal processes.

Your Committees are of the opinion that a land exchange as proposed by this concurrent resolution may not be warranted at this time. Discussions among all interested and affected parties, including face-to-face discussions between the Estate and its lessees in South Kona, need to continue in order to resolve conflicts among the parties. Your Committees have amended the concurrent resolution in the following manner:

- (1) To eliminate in the title of the concurrent resolution the purpose of any possible land exchange between the State and the Bishop Estate; and to request the State, including the Governor's Agriculture Coordinating Committee, the County of Hawaii, Kona farmers, and the Bishop Estate to discuss means for protecting the integrity of present agricultural parcels in Kona;
- (2) To delete the last three "WHEREAS", the "BE IT RESOLVED", and the first "BE IT FURTHER RESOLVED" clauses, on page 2 of the concurrent resolution; and
- (3) To resolve:
  - (a) That appropriate representatives of the State of Hawaii, the Governor's Agriculture Coordinating Committee, the County of Hawaii, Kona farmers, and the Bishop Estate meet to discuss means to protect the integrity of existing parcels of agricultural lands in South Kona;
  - (b) That the Bishop Estate be requested to clarify and modify the terms and conditions being included in the leases being offered the Kona farmers; and
  - (c) That the County of Hawaii explore means to assist the Kona farmers through zoning powers which the County can exercise without undue hardship being placed on the Bishop Estate.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture concur with the intent and purpose of H.C.R. No. 167, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 167, H.D. 1.

Signed by all members of the Committees .

SCRep. 985      Judiciary on H.R. No. 236

The purpose of this resolution is to request the Family Court to study: 1) the feasibility of converting the "Divorce Experience" program sponsored by the Family Court, First Circuit, to a mandatory program for all couples prior to filing for a divorce, including

a determination of whether the counseling should be offered free of charge or for a nominal fee; 2) Hawaii's "no-fault" divorce law recommending any necessary or desirable changes; and 3) the feasibility of establishing a family counseling center which will offer confidential pre-marital counseling, marital counseling, family counseling, legal counseling, legal advice, financial aid and religious referrals at no charge or at a nominal cost. The Family Court is requested to report its findings and recommendations to the Legislature twenty days before the convening of the Regular Session of 1984. Certified copies of the resolution are requested to be sent to the Administrative Director of the Courts.

Your Committee recognizes the problem of divorce and the growing social and emotional impact of divorce on parties who are considering divorce, filing for divorce, or having divorce-related problems, and realizes that open communication among such parties may be difficult or non-existent.

Hawaii's "no-fault" divorce law simplifies the dissolution of marriage. However, our society does not provide adequate help to those in need of pre-marital counseling, marital counseling, or in handling the consequences of divorce.

The Family Court-sponsored "Divorce Experience" program provides trained marital counseling to persons contemplating divorce, filing for divorce, or having divorce-related problems, and helps to promote dialogue in attempting to reconcile differences. Attendance of the "Divorce Experience" program for those considering divorce, will give a couple time to be made aware of alternatives before taking the final step in filing for a divorce.

Your Committee finds that there is an increasing need to establish a centralized family counseling center that will provide services at no charge or at a nominal cost.

The Family Court has testified in support of the resolution but has stated that it does not have the staff available to conduct the comprehensive study required. Your Committee, therefore, has amended the resolution and the title to request the Office of the Legislative Reference Bureau to conduct the study and report on marital and family counseling programs and Hawaii's divorce laws.

A certified copy of this resolution shall be sent to the Director of the Office of the Legislative Reference Bureau.

Further, your Committee believes participation in the "Divorce Experience" program should be optional for all couples prior to filing for divorce. The resolution has been amended accordingly.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 236, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 236, H.D. 1.

Signed by all members of the Committee.

SCRep. 986      Judiciary on H.C.R. No. 85

The purpose of this concurrent resolution is to request the Family Court to study: 1) the feasibility of converting the "Divorce Experience" program sponsored by the Family Court, First Circuit, to a mandatory program for all couples prior to filing for a divorce, including a determination of whether the counseling should be offered free of charge or for a nominal fee; 2) Hawaii's "no-fault" divorce law recommending any necessary or desirable changes; and 3) the feasibility of establishing a family counseling center which will offer confidential pre-marital counseling, marital counseling, family counseling, legal counseling, legal advice, financial aid and religious referrals at no charge or at a nominal cost. The Family Court is requested to report its findings and recommendations to the Legislature twenty days before the convening of the Regular Session of 1984. Certified copies of the concurrent resolution are requested to be sent to the Administrative Director of the Courts.

Your Committee recognizes the problem of divorce and the growing social and emotional impact of divorce on parties who are considering divorce, filing for divorce, or having divorce-related problems, and realizes that open communication among such parties may be difficult or non-existent.

Hawaii's "no-fault" divorce law simplifies the dissolution of marriage. However, our society does not provide adequate help to those in need of pre-marital counseling, marital counseling, or in handling the consequences of divorce.



The Family Court-sponsored "Divorce Experience" program provides trained marital counseling to persons contemplating divorce, filing for divorce, or having divorce-related problems, and helps to promote dialogue in attempting to reconcile differences. Attendance of the "Divorce Experience" program for those considering divorce, will give a couple time to be made aware of alternatives before taking the final step in filing for a divorce.

Your Committee finds that there is an increasing need to establish a centralized family counseling center that will provide services at no charge or at a nominal cost.

The Family Court has testified in support of the concurrent resolution but has stated that it does not have the staff available to conduct the comprehensive study required. Your Committee, therefore, has amended the resolution and the title to request the Office of the Legislative Reference Bureau to conduct the study and report on marital and family counseling programs and Hawaii's divorce laws.

A certified copy of this concurrent resolution shall be sent to the Director of the Office of the Legislative Reference Bureau.

Further, your Committee believes participation in the "Divorce Experience" program should be optional for all couples prior to filing for divorce. The concurrent resolution has been amended accordingly.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 85, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 85, H.D. 1.

Signed by all members of the Committee.

SCRep. 987      Judiciary on H.R. No. 314

The purpose of this resolution is to request the Legislative Auditor, with the cooperation of the Judiciary, to conduct a review and analysis of the Judiciary's budget for the fiscal years 1983-1984, 1984-1985, and 1985-1986. The review and analysis of each year's budget is to be presented to the Legislature prior to the convening of the Regular Session of 1983 at which the budget request is to be submitted. Certified copies of this resolution is to be transmitted to the Legislative Auditor and the Chief Justice of the Supreme Court of Hawaii.

Your Committee finds that the Judiciary submitted an appropriation request of \$81.9 million for operating costs for Fiscal Biennium 1983-1985, an increase of \$29.5 million over the operating budget of Fiscal Biennium 1981-1983. Current fiscal constraints make it advisable to analyze and to monitor all State expenditures, including the Judiciary's expenditures, to assure effective use of public funds for programs of the highest priority and necessity.

To require high competence and neutrality, the Legislative Auditor is asked to analyze the Judiciary's fiscal requirements and responsibilities.

The Judiciary's Administrative Director of the Courts has submitted testimony stating that the Judiciary will willingly cooperate with the Legislative Auditor in this review and analysis of the Judiciary budget.

Your Committee on Judiciary is in accord with the intent and purpose of H.R. No. 314 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 988      Judiciary on H.C.R. No. 124

The purpose of this concurrent resolution is to request the Legislative Auditor, with the cooperation of the Judiciary, to conduct a review and analysis of the Judiciary's budget for the fiscal years 1983-1984, 1984-1985, and 1985-1986. The review and analysis of each year's budget is to be presented to the Legislature prior to the convening of the Regular Session of 1983 at which the budget request is to be submitted. Certified copies of this concurrent resolution is to be transmitted to the Legislative Auditor and the Chief Justice of the Supreme Court of Hawaii.

Your Committee finds that the Judiciary submitted an appropriation request of \$81.9

million for operating costs for Fiscal Biennium 1983-1985, an increase of \$29.5 million over the operating budget of Fiscal Biennium 1981-1983. Current fiscal constraints make it advisable to analyze and to monitor all State expenditures, including the Judiciary's expenditures, to assure effective use of public funds for programs of the highest priority and necessity.

To require high competence and neutrality, the Legislative Auditor is asked to analyze the Judiciary's fiscal requirements and responsibilities.

The Judiciary's Administrative Director of the Courts has submitted testimony stating that the Judiciary will willingly cooperate with the Legislative Auditor in this review and analysis of the Judiciary budget.

Your Committee on Judiciary is in accord 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.

SCRep. 989      Judiciary on H.R. No. 297

The purpose of this resolution is to request the Office of the Legislative Auditor to investigate the representation of Filipinos in state government employee work force.

Your Committee heard testimonies from the United Group of Homecare Operators, the Oahu Filipino Community Council, Hotel Employees and Restaurant Employees Union - Local 5, the Union of Democratic Filipinos, the Interagency Council for Immigrant Services, the Filipino Immigrant Rights Organization, the 'Ohana of Hawaii, and numerous individuals, all in support of the resolution.

Your Committee finds that numerous studies have already documented the under-representation of Filipinos and other minorities in the state government work force and that the original intent of the resolution would merely result in a duplication of effort.

Your Committee is in agreement that specific recommendations for action are needed to alleviate the under-representation of certain minorities. The study shall include, but not be limited to, plans for enforcement, incentives and sanctions to encourage and expedite compliance with the State of Hawaii Affirmative Action Plan, a study of employment practices and barriers to employment, and an assessment of current data and resources.

Your Committee has amended the purpose of this resolution to designate an interim Legislative committee to review state agencies for compliance with the requirements of the State of Hawaii Affirmative Action Plan.

Your Committee also has amended this resolution by acknowledging that the State of Hawaii Affirmative Action Plan provides recommendations for correcting ethnic imbalances in the state government work force and by acknowledging that data from the current EEO-4A reports confirms that under-representation of certain minorities in state government remains a serious problem. Your Committee has deleted statistics on the Filipino work force and labor force because of the broader scope of the study as amended.

However, your Committee recognizes that Filipinos are the most under-represented group in the state government work force and recommends that the study especially focus on Filipinos, with consideration given to other under-represented groups, such as Hawaiians, Caucasians, and women.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 297, as amended herein, and recommends 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 Committee.

SCRep. 990      Judiciary on H.R. No. 431

The purpose of this resolution is to request the State Judiciary to conduct a study addressing the feasibility of the program of imposing a court fee to defray the costs of nonprofit legal aid programs such as called for in H.B. 1163 of the 1983 Regular Session. The Judiciary is requested to submit its findings and recommendations to the Legislature

twenty days prior to the convening of the Regular Session of 1984 and a certified copy of this resolution will be transmitted to the Chief Justice of the Supreme Court of Hawaii.

The State Judiciary has testified in support of the resolution but has stated that it may be more appropriate for the Office of the Legislative Reference Bureau to conduct the study since Legislative policy is involved. Your Committee agrees with the recommendation and has amended the bill accordingly.

A certified copy of this resolution will be transmitted to the Director of the Office of the Legislative Reference Bureau.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 431, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 431, H.D. 1.

Signed by all members of the Committee.

SCRep. 991      Housing and Judiciary on H.C.R. No. 174 (Majority)

The purpose of this concurrent resolution is to request the State's Attorney General to retain lead counsel who has both significant experience before federal appellate courts, including the United States Supreme Court, and expertise in the areas related to land reform.

Your Committees received favorable testimony on this resolution from several sources, among them the Attorney General's Office and the Hawaii Housing Authority.

Your Committees are in support of the Land Reform Act and the legislatively articulated public purpose behind the Act. It has assisted thousands of Hawaii's residents in purchasing their land in fee simple, and thousands more are currently in the process of converting their leasehold to fee simple titles. Your Committees are gravely concerned as to the consequences of the United States Court of Appeals for the Ninth Circuit's recent decision in Midkiff vs. Tom that the Act is unconstitutional. The Governor and the Attorney General of the State have announced that this decision will be appealed to the United States Supreme Court if necessary. Since this case is of such critical importance to the people of Hawaii, the State Attorney General is requested to retain lead counsel with a strong background in constitutional and land use laws and extensive experience in federal appellate court proceedings, including before the United States Supreme Court.

Your Committees have amended the resolution to request: that the Attorney General act expeditiously in retaining the lead counsel; that the efforts of the State and various intervenors be well coordinated to ensure a unified effort; that the Fee Simple Residential Revolving Fund be used to cover expenses for the retention of the lead counsel; and that the Hawaii Housing Authority be actively involved in the meetings and decision making efforts regarding the litigation.

Your Committees on Housing and Judiciary concur with the intent and purpose of H.C.R. No. 174, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 174, H.D. 1.

Signed by all members of the Committees except Representative Taniguchi.  
(Representative Tungpalan did not concur.)

SCRep. 992      Housing and Judiciary on H.R. No. 453 (Majority)

The purpose of this resolution is to request the State's Attorney General to retain lead counsel who has both significant experience before federal appellate courts, including the United States Supreme Court, and expertise in the areas related to land reform.

Your Committees received favorable testimony on this resolution from several sources, among them the Attorney General's Office and the Hawaii Housing Authority.

Your Committees are in support of the Land Reform Act and the legislatively articulated public purpose behind the Act. It has assisted thousands of Hawaii's residents in purchasing their land in fee simple, and thousands more are currently in the process of converting their leasehold to fee simple titles. Your Committees are gravely concerned as to the consequences of the United States Court of Appeals for the Ninth Circuit's

recent decision in Midkiff vs. Tom that the Act is unconstitutional. The Governor and the Attorney General of the State have announced that this decision will be appealed to the United States Supreme Court if necessary. Since this case is of such critical importance to the people of Hawaii, the State Attorney General is requested to retain lead counsel with a strong background in constitutional and land use laws and extensive experience in federal appellate court proceedings, including before the United States Supreme Court.

Your Committees have amended the resolution to request: that the Attorney General act expeditiously in retaining the lead counsel; that the efforts of the State and various intervenors be well coordinated to ensure a unified effort; that the Fee Simple Residential Revolving Fund be used to cover expenses for the retention of the lead counsel; and that the Hawaii Housing Authority be actively involved in the meetings and decision making efforts regarding the litigation.

Your Committees on Housing and Judiciary concur with the intent and purpose of H.R. No. 453, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 453, H.D. 1.

Signed by all members of the Committees except Representative Taniguchi.  
(Representative Tungpalan did not concur.)

SCRep. 993            Finance on H.C.R. No. 89

The purpose of this concurrent resolution is to request that the Legislative Auditor conduct a study of existing state hospital rate review programs, including a description of each of the programs and the effect of the programs on hospital rates. It is the intent of this resolution that the Legislative Auditor submit the report to the Legislature prior to the convening of the 1984 Regular Session.

Your Committee finds that the cost of hospital services must be stabilized and that the first step in this effort is the establishment of a hospital rate review program. Such a program would not only help to stabilize costs of hospital services but would also ensure that hospitals receive an adequate rate of return. However, all recent efforts to establish a hospital rate review program have been rejected by the Legislature.

The last report on hospital cost review programs was done by the Legislative Auditor in 1979 and data should be updated. Your Committee finds that updated data on the actual impact of rate review programs are essential for the Legislature to make appropriate decisions on hospital cost control.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 89 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 994            Finance on H.C.R. No. 95

The purpose of this concurrent resolution is to request the Department of Transportation to undertake a feasibility study relating to airlifting of diversified Hawaii agricultural products.

Your Committee finds that Hawaii's geographical isolation from its import/export markets, as it relates to commodities used or produced by its residents, poses serious problems to the diversified agriculture industry in Hawaii. The insufficiency and unreliability of cargo space will affect the survival and, to a large extent, the ultimate level of development of large segments of the diversified agriculture industry in Hawaii. Reliable and efficient air transportation for Hawaii's perishable crops is vital for the development and maintenance of a viable diversified agriculture industry in Hawaii.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 95, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 995      Agriculture and Consumer Protection and Commerce on H.R. No. 232

The purpose of this resolution is to request lending institutions to implement measures to defer or reduce the repayment amounts of loans made to farmers who are delinquent on loan payments due to financial hardship.

Your Committees find that during the past two years, violent climatic conditions, pesticide contamination, recessions, and other isolated problems beyond the control of the individual farmer have disrupted agricultural operations in the State.

Your Committees also find that it is in the best interest of the State to assist those farmers in financial difficulty by requesting lending institutions to implement measures to defer or reduce payment amounts of loans that are delinquent.

Your Committees have received testimony strongly in support of this measure from the Chairman of the Board of Agriculture, Hawaii Farm Bureau Federation, Bank of Hawaii, and Keum Soon's Anthurium Garden.

Your Committees on Agriculture and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 232 and recommend its adoption.

Signed by all members of the Committee.

SCRep. 996      Public Employment and Government Operations on H.R. No. 363

The purpose of this bill is to request an interim study of accessibility of government to the neighbor islands.

Testimony in support of this resolution was submitted by residents of Molokai and the Hawaiian Telephone Company.

This resolution has been amended to include reference to the Alaska experience; to give full discretion to the Speaker in establishing the membership of the interim committee; to include the Department of Accounting and General Services, private groups, and the counties as participants in the study; and to recognize Niihau as a neighbor island in need of service.

Your Committee on Public Employment/Government Operations concurs with the intent and purpose of H.R. 363 as amended herein and recommends that H.R. 363, H.D. 1 be referred to the Finance Committee.

Signed by all members of the Committee.

SCRep. 997      Judiciary and Corrections and Rehabilitation on H.R. No. 177

The purpose of this resolution is to request the development of a long-range implementation plan for a comprehensive criminal justice data system.

Your Committees have heard testimony from the Attorney General's office, the Department of Social Services and Housing, the Intake Service Center, and the Honolulu Police Department in support of this resolution. Each has indicated a need for a more coordinated data system.

Presently, there are a number of criminal justice information and management systems in the developmental or operational stages. There has been no clear direction for the development of a single, statewide comprehensive criminal justice information system, nor the exchange of available information among and between criminal justice agencies.

Your Committees note the establishment of the Governor's Ad Hoc Planning Committee on criminal justice. Your Committees recommend that this ad hoc body be used to develop the plan with the addition of a few members to meet this specific purpose.

Your Committees on Judiciary and Corrections and Rehabilitation concur with the intent and purpose of H.R. No. 177 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 998            Judiciary and Corrections and Rehabilitation on H.C.R. No. 63

The purpose of this concurrent resolution is to request the development of a long-range implementation plan for a comprehensive criminal justice data system.

Your Committees have heard testimony from the Attorney General's office, the Department of Social Services and Housing, the Intake Service Center, and the Honolulu Police Department in support of this concurrent resolution. Each has indicated a need for a more coordinated data system.

Presently, there are a number of criminal justice information and management systems in the developmental or operational stages. There has been no clear direction for the development of a single, statewide comprehensive criminal justice information system, nor the exchange of available information among and between criminal justice agencies.

Your Committees note the establishment of the Governor's Ad Hoc Planning Committee on criminal justice. Your Committees recommend that this ad hoc body be used to develop the plan with the addition of a few members to meet this specific purpose.

Your Committees on Judiciary and Corrections and Rehabilitation concur with the intent and purpose of H.C.R. No. 63 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 999            Judiciary and Corrections and Rehabilitation on H.R. No. 302

The purpose of this resolution is to request a report from the Juvenile Justice Interagency Board on its progress in implementing the Juvenile Justice System Master Plan.

Your Committees have heard testimony in support of this resolution from the Department of Social Services and Housing and the Chairperson of the Juvenile Justice Inter-agency Board. Irwin Tanaka from the State Law Enforcement and Juvenile Delinquency Planning Agency (SLEPA) has testified in support of the resolution. SLEPA recommends that the Legislature should request progress reports from each agency involved and request them to submit their reports to the Board for compilation.

Your Committees have amended the resolution to require each agency to submit progress reports to the Board.

Your Committees on Judiciary and Corrections and Rehabilitation concur with the intent and purpose of H.R. No. 302, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 302, H.D. 1.

Signed by all members of the Committees.

SCRep. 1000          Judiciary and Corrections and Rehabilitation on H.C.R. No. 110

The purpose of this concurrent resolution is to request a report from the Juvenile Justice Interagency Board on its progress in implementing the Juvenile Justice System Master Plan.

Your Committees have heard testimony in support of this concurrent resolution from the Department of Social Services and Housing and the Chairperson of the Juvenile Justice Inter-agency Board. Irwin Tanaka from the State Law Enforcement and Juvenile Delinquency Planning Agency (SLEPA) has testified in support of the concurrent resolution. SLEPA recommends that the Legislature should request progress reports from each agency involved and request them to submit their reports to the Board for compilation.

Your Committees have amended the concurrent resolution to require each agency to submit progress reports to the Board.

Your Committees on Judiciary and Corrections and Rehabilitation concur with the intent and purpose of H.C.R. No. 110, as amended herein, and recommend 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. 1001      Judiciary on H.R. No. 306

The purpose of this resolution is to request an interim study of Hawaii's criminal injuries compensation law.

Your Committee has heard testimony from the Victim/ Witness Kokua Program and the Sex Abuse Treatment Center in support of this resolution. Both program directors have offered to provide assistance to persons who conduct the study.

Your Committee finds that there is a need to conduct a comprehensive study and to investigate the questions and concerns that have been raised by legislators and community groups regarding current law and procedure.

Your Committee on Judiciary concurs with the intent of H.R. No. 306 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1002      Judiciary on H.R. No. 189

The purpose of this resolution is to review Hawaii's sexual offense statutes.

Your Committee has heard testimony from the Victim/Witness Kokua Program, the Sex Abuse Treatment Center and Manoa-Kai Business and Professional Women's Club in support of this resolution.

Your Committee agrees that the sexual offense statutes require comprehensive review. Your Committee feels that it is also important to study the recent revisions of the sexual offense statutes and to evaluate those revisions.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 189 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1003      Judiciary on H.R. No. 304

The purpose of this resolution is to request the Office of the Legislative Reference Bureau to conduct, in consultation with other agencies in the criminal justice system: 1) a comprehensive study including a review of legislation introduced in the Regular Session of 1983 relating to victims and witnesses of crimes; 2) a study of the problems victims and witnesses encounter in understanding the criminal justice system, including whether they are receiving adequate notice of the status of their cases; and 3) a determination of what the State's policies should be regarding victims and witnesses of crimes. The Office of the Legislative Reference Bureau is to report its findings and recommendations to the Legislature twenty days before the convening of the Regular Session of 1984. A certified copy of this resolution is to be transmitted to the Director of the Office of the Legislative Reference Bureau.

Your Committee finds there is a need to study the laws, procedures, and services affecting victims and witnesses of crime. Further, the State needs to determine what its policies toward victims and witnesses should be so as to assure fair and equitable treatment.

The Victim/Witness Kokua Services, Department of Social Services and Housing, and the Judiciary supports the request being made for this study.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 304 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1004      Judiciary on H.C.R. No. 112

The purpose of this concurrent resolution is to request the Office of the Legislative Reference Bureau to conduct, in consultation with other agencies in the criminal justice system: 1) a comprehensive study including a review of legislation introduced in the Regular Session of 1983 relating to victims and witnesses of crimes; 2) a study of the

problems victims and witnesses encounter in understanding the criminal justice system, including whether they are receiving adequate notice of the status of their cases; and 3) a determination of what the State's policies should be regarding victims and witnesses of crimes. The Office of the Legislative Reference Bureau is to report its findings and recommendations to the Legislature twenty days before the convening of the Regular Session of 1984. A certified copy of this concurrent resolution is to be transmitted to the Director of the Office of the Legislative Reference Bureau.

Your Committee finds there is a need to study the laws, procedures, and services affecting victims and witnesses of crime. Further, the State needs to determine what its policies toward victims and witnesses should be so as to assure fair and equitable treatment.

The Victim/Witness Kokua Services, Department of Social Services and Housing, and the Judiciary supports the request being made for this study.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 112 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1005          Judiciary on H.R. No. 330

The purpose of this resolution is to request the Judiciary to conduct a thorough study of circuit court costs and fees established in Section 607-5, Hawaii Revised Statutes. The study will ascertain whether costs and fees established in Section 607-5, Hawaii Revised Statutes, need to be increased and whether fees in Section 607-5(3) and (29), Hawaii Revised Statutes, need to be equalized. The Judiciary with input from the Hawaii Bar Association, state judges, and other interested parties is requested to submit its study and recommendation to the Legislature ten days prior to the convening of the Regular Session of 1984. Certified copies of this resolution is to be submitted to the Chief Justice of the Supreme Court and the Hawaii Bar Association.

Your Committee finds that the circuit court costs and fees have been in effect seven years without change. In addition, there is a discrepancy in Section 607-5(3) and (29), Hawaii Revised Statutes, with similar services being \$20 in some cases and \$50 in others. Your Committee feels circuit court fees for comparable services should be more equitable.

Your Committee has amended the bill by deleting reference to the "Acting Chief Justice" and replacing it with "Chief Justice," who has now been confirmed.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 330, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 330, H.D. 1.

Signed by all members of the Committee except Representative Taniguchi.

SCRep. 1006          Education on H.R. No. 151

The purpose of this resolution is to request the Department of Education to undertake a comprehensive study of selected programs which supplement regular instruction.

Your Committee finds that the increase in the number of specialized programs currently budgeted under EDN 106, Other Regular Instruction, and thus targeted to regular education students, is becoming a source of concern. That concern is over the cost-effectiveness of these specialized programs inasmuch as some teachers feel that reduced class sizes would be a preferable and viable option. Before any serious moves are made to reduce class sizes, however, your Committee believes that these specialized programs need to be thoroughly evaluated and their worthiness established or disproved.

The Department of Education testified that it has a system already underway for program evaluation and expects to be able to report by the end of 1983. Your Committee hopes that this system will provide the kinds of objective answers sought by the Legislature. Hawaii State Teachers Association testified in support of this resolution but requested teacher input in Department of Education's evaluation. This has been accommodated.

Your Committee has made several amendments to this resolution. The primary amendments concern the deletion of all references to alternative education and compensatory education programs inasmuch as those are included in another resolution favorably



reported out by your Committee. Other amendments include the concerns expressed by Hawaii State Teachers Association and delineate in further detail the answers which your Committee seeks from Department of Education.

Your Committee on Education concurs with the intent and purpose of H.R. No. 151, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 151, H.D. 1.

Signed by all members of the Committee.

SCRep. 1007      Education on H.C.R. No. 76

The purpose of this concurrent resolution is to request the Department of Education to undertake a comprehensive study of selected programs which supplement regular instruction.

Your Committee finds that the increase in the number of specialized programs currently budgeted under EDN 106, Other Regular Instruction, and thus targeted to regular education students, is becoming a source of concern. That concern is over the cost-effectiveness of these specialized programs inasmuch as some teachers feel that reduced class sizes would be a preferable and viable option. Before any serious moves are made to reduce class sizes, however, your Committee believes that these specialized programs need to be thoroughly evaluated and their worthiness established or disproved.

The Department of Education testified that it has a system already underway for program evaluation and expects to be able to report by the end of 1983. Your Committee hopes that this system will provide the kinds of objective answers sought by the Legislature. Hawaii State Teachers Association testified in support of this concurrent resolution but requested teacher input in Department of Education's evaluation. This has been accommodated.

Your Committee has made several amendments to this concurrent resolution. The primary amendments concern the deletion of all references to alternative education and compensatory education programs inasmuch as those are included in another resolution favorably reported out by your Committee. Other amendments include the concerns expressed by Hawaii State Teachers Association and delineate in further detail the answers which your Committee seeks from Department of Education.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 76, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 76, H.D. 1.

Signed by all members of the Committee.

SCRep. 1008      Education on H.R. No. 352

The purpose of this resolution is to have the Department of Education and Hawaii State Teachers Association conduct a study of lowering class size and the cost implications of lower class sizes in Hawaii's public schools.

Your Committee finds that the current formula for class size ratio is 26.15 students to each regular instruction teacher statewide. Testimony received indicates that individual class sizes vary and that in some classes, there are as many as 30 or more students. The effect produced from certain large classes tends to decrease the amount of individual attention which teachers provide to students.

Your Committee has amended this resolution by including the elimination of specialized programs as an alternative to reducing class size, and to include that any alternative to be implemented be phased in systematically, sequentially and in increments. Your Committee has further amended this resolution to include that measures of effectiveness be used to determine that reduced class sizes does indeed impact the quality of education.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 352, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 352, H.D. 1.

Signed by all members of the Committee.

SCRep. 1009 Education on H.C.R. No. 142

The purpose of this concurrent resolution is to have the Department of Education and Hawaii State Teachers Association conduct a study of lowering class size and the cost implications of lower class sizes in Hawaii's public schools.

Your Committee finds that the current formula for class size ratio is 26.15 students to each regular instruction teacher statewide. Testimony received indicates that individual class sizes vary and that in some classes, there are as many as 30 or more students. The effect produced from certain large classes tends to decrease the amount of individual attention which teachers provide to students.

Your Committee has amended this concurrent resolution by including the elimination of specialized programs as an alternative to reducing class size, and to include that any alternative to be implemented be phased in systematically, sequentially and in increments. Your Committee has further amended this concurrent resolution to include that measures of effectiveness be used to determine that reduced class sizes does indeed impact the quality of education.

Your Committee on Education is in accord with the intent and purpose of H.C.R. No. 142, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 142, H.D. 1.

Signed by all members of the Committee.

SCRep. 1010 Education on H.R. No. 264

The purpose of this resolution is to request the Department of Education to consolidate the various projects and programs in the Compensatory Education Program into a streamlined, effective operation.

Your Committee finds that the \$20 million Compensatory Education Program has expanded over the years into a collection of separate projects and programs--the large Comprehensive School Alienation Program (CSAP), the federally funded Educational Consolidation Improvement Act (ECIA) Chapter 1 program, the program for students of limited English proficiency, the bilingual-bicultural program, and the assortment of alternative programs and learning centers. It has been difficult to determine whether there are overlaps or gaps in services among these, whether funds are being expended as efficiently and effectively as possible, whether other programs or configurations might not yield similar results at far less cost, etc.

Your Committee expects that Department of Education in its consolidation plans will pay particular attention to CSAP and the other alternative programs which appear to be targeted to similar types of student problems. Your Committee is disturbed, for example, by the budget information on the CSAP program. According to Department of Education's budget worksheets, the CSAP budget for 1982-83 of \$3,026,765 provides services for 1350 students, or an average per student cost of \$2242. This is in addition to the regular education cost for these same students. Also, these figures can be compared with the \$100 per student cost at the Nanakuli Learning Center or the \$1000 per student cost in the Kauai Alternative Program. Your Committee looks forward to some very clear answers from Department of Education regarding the objectives, target groups, means of delivery, and cost bases of its compensatory education program.

Your Committee has amended this resolution to require the Department of Education to submit its findings and recommendations sixty days prior to the convening of the 1984 session.

Department of Education has testified in support of the resolution and has pledged to report on its findings and recommendations prior to the convening of the 1984 session.

Your Committee on Education concurs with the intent and purpose of H.R. 264, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. 264, H.D. 1.

Signed by all members of the Committee.

SCRep. 1011 Corrections and Rehabilitation on H.R. No. 469

The purpose of this resolution is to request the Department of Social Services and

Housing (DSSH) to explore the sentencing alternatives being implemented in other states along with the recommendations made by the Intake Service Center. Furthermore, DSSH is to develop a comprehensive and detailed program proposal which would relieve prison overcrowding and alleviate the need to keep building new facilities as the offender population increases.

Your Committee feels that a study of alternatives to incarceration, which would suggest ways to alleviate the serious overcrowding in our correctional facilities, is warranted. Moreover, in addition to sentencing alternatives implemented in other states, studies which discuss the relationship between crime rate and prison rate should also be explored.

Your Committee concurs with testimony received that the Intake Service Center (ISC) would be the appropriate agency to prepare the detailed program proposal requested by this resolution. Furthermore, since sentencing alternatives and prison overcrowding are the concerns of all criminal justice agencies, these agencies should cooperate fully with the ISC in this study.

Your Committee has amended this resolution by: (1) designating ISC to conduct this study, (2) instructing ISC to include in their study reports such as, "On the Optimum Use of Incarceration for Crime Control", which discusses the relationship between the crime rate and the prison rate, (3) requesting the cooperation and support of all criminal justice agencies in the preparation of this report, and (4) emphasizing that any alternative to incarceration proposal should not compromise the safety of the people of Hawaii from criminal actions.

Your Committee on Corrections and Rehabilitation concurs 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. 1012      Corrections and Rehabilitation on H.C.R. No. 180

The purpose of this resolution is to request the Department of Social Services and Housing (DSSH) to explore the sentencing alternatives being implemented in other states along with the recommendations made by the Intake Service Center. Furthermore, DSSH is to develop a comprehensive and detailed program proposal which would relieve prison overcrowding and alleviate the need to keep building new facilities as the offender population increases.

Your Committee feels that a study of alternatives to incarceration, which would suggest ways to alleviate the serious overcrowding in our correctional facilities, is warranted. Moreover, in addition to sentencing alternatives implemented in other states, studies which discuss the relationship between crime rate and prison rate should also be explored.

Your Committee concurs with testimony received that the Intake Service Center (ISC) would be the appropriate agency to prepare the detailed program proposal requested by this resolution. Furthermore, since sentencing alternatives and prison overcrowding are the concerns of all criminal justice agencies, these agencies should cooperate fully with the ISC in this study.

Your Committee has amended this resolution by: (1) designating ISC to conduct this study, (2) instructing ISC to include in their study reports such as, "On the Optimum Use of Incarceration for Crime Control", which discusses the relationship between the crime rate and the prison rate, (3) requesting the cooperation and support of all criminal justice agencies in the preparation of this report, and (4) emphasizing that any alternative to incarceration proposal should not compromise the safety of the people of Hawaii from criminal actions.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.C.R. No. 180, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 180, H.D. 1.

Signed by all members of the Committee.

SCRep. 1013      Transportation on H.C.R. No. 29

The purpose of this concurrent resolution is to request the State Department of Transportation to conduct a study of the state highway fund and make recommendations as

to possible alternative methods of funding Hawaii's road needs.

Your Committee heard testimony from the State Department of Transportation recommending that participation in the study be expanded. Therefore, your Committee has amended H.C.R. No. 29 in order to request the State Department of Transportation to spearhead a task force to conduct the study and the Director of Transportation to chair the task force and to request participation from the House and Senate Transportation Committee Chairmen and two other members from each of these Committees, the Director of Budget and Finance, the Director of Taxation, a representative of the Hawaii Automotive Retail Gasoline Dealers Association, a representative of the Hawaii Transportation Association and other interested parties.

Accordingly, your Committee has retitled H.C.R. No. 29, "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE STATE HIGHWAY FUND AND RECOMMENDATIONS AS TO POSSIBLE ALTERNATIVE METHODS OF FUNDING HAWAII'S ROAD NEEDS".

Your Committee has amended the fourth "WHEREAS" clause to reflect the fact that the fuel tax is a primary, but not the only funding source for the state highway fund.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 29, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 29, H.D. 1.

Signed by all members of the Committee.

SCRep. 1014      Transportation on H.R. No. 432

The purpose of this resolution, as received by your Committee, is to request the Department of Transportation, with the assistance of the Department of Defense and the county Civil Defense Agency, to analyze the adequacy of access routes for lower Puna and to make recommendations for correcting the present potentially dangerous situation.

Your Committee finds that residents of lower Puna depend solely on Pahoa Road for access into and out of their area, a road which is sometimes closed because of volcanic eruption or brush and forest fires. Your Committee believes that alternatives should be studied to provide dependable access to this area to ensure the safety and security of lower Puna residents and their property during times of emergency.

Your Committee notes that an extension of Beach Road, otherwise known as FASC 137, from Honolulu Landing to Kalaniana'ole Street in Hilo has been proposed as a means of increasing access to lower Puna. According to the Department of Transportation, FASC 137 is under the jurisdiction of Hawaii County. Your Committee has therefore amended this bill by designating the Department of Public Works of the County of Hawaii as the lead agency in reviewing this situation, with the Department of Transportation serving as one of the resource agencies.

Your Committee made other conforming, nonsubstantive amendments.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 432, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 432, H.D. 1.

Signed by all members of the Committee.

SCRep. 1015      Judiciary on H.R. No. 316

The purpose of this resolution is to request the United States Senate to ratify treaties with friendly Pacific island governments.

Your Committee has heard favorable testimony from Ambassador William Bodde, Jr. and Rep. Fred Rohlfs indicating that delay in the ratification of treaties to friendly Pacific island nations the United States may jeopardize friendly economic and social relations the nation now enjoys.

Your Committee finds that Hawaii, in particular, has an interest in maintaining friendly relations with Pacific island nations and urges the United States Senate to take favorable action on the treaties as soon as possible.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 316 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1016          Judiciary on H.R. No. 303

The purpose of this resolution is to encourage attorneys to participate in the Hawaii Lawyers Care Project, which is sponsored by the American Bar Association. The project requests that lawyers provide legal services to persons who cannot pay.

Your Committee has heard testimony from Hawaii Lawyers Care and Hawaii Young Lawyers in support of this resolution.

Your Committee feels that this is an important endeavor, of value to the community, and wishes to strongly support this project.

Your Committee amended this resolution to delete the reference to the "Acting" Chief Justice.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 303, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 303, H.D. 1.

Signed by all members of the Committee.

SCRep. 1017          Judiciary on H.C.R. No. 111

The purpose of this concurrent resolution is to encourage attorneys to participate in the Hawaii Lawyers Care Project, which is sponsored by the American Bar Association. The project requests that lawyers provide legal services to persons who cannot pay.

Your Committee has heard testimony from Hawaii Lawyers Care and Hawaii Young Lawyers in support of this concurrent resolution.

Your Committee feels that this is an important endeavor, of value to the community, and wishes to strongly support this project.

Your Committee amended this concurrent resolution to delete the reference to the "Acting" Chief Justice.

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

Signed by all members of the Committee.

SCRep. 1018          Education and Corrections and Rehabilitation on H.R. No. 322

The purpose of this resolution is to have the Department of Education prepare a plan for year-round education at the Hawaii Youth Correctional Facility (HYCF), and to compare the costs of such a program if administered by the Department of Education with an alternative program to be administered by a private agency. This resolution further requests that the Department of Education provide a detailed report which shall include, but not be limited to the teaching methods, counseling provided, and test scores of the detainees at the HYCF.

Your Committees find that the Department of Education is in full agreement of the need to upgrade the instructional programs and practices at the HYCF. The juvenile offenders are generally low achievers in school with low reading levels and often receive less formal education than students attending regular schools. Your Committees feel that an expanded education program is needed at the HYCF to rehabilitate juvenile offenders and to assist them when mainstreamed back into the public school system. The juveniles incarcerated in the HYCF are in a unique situation, therefore, the Department of Education should offer a creative educational program to accommodate these juveniles and provide quality basic education.

The basic skills of reading, writing, and arithmetic should be taught to juveniles while they are at HYCF so that they will be able to compete academically when mainstreamed into the public schools. Currently, the HYCF is stressing vocational skills, such as auto mechanics, construction labor, and agriculture in its educational program. The Department of Education stated that different teaching and learning approaches should be addressed to alleviate the problem of a limited educational curriculum.

Your Committees have amended this resolution to include the Department of Social Services and Housing, the League of Women Voters, the Family Court, and the Department of Health to assist the Department of Education in developing a plan for year-round education at the HYCF. The purpose of this amendment is to receive input from the aforementioned agencies regarding the HYCF students' educational curriculum. The Department of Education had stated that inter-agency cooperation began just six months ago, and your Committees feel that increased consultation between the agencies would provide for a more effective, comprehensive educational plan for the HYCF.

Your Committees have further amended this resolution to request that the Director of the Department of Social Services and Housing, the Director of the Department of Health, and the League of Women Voters receive certified copies of this resolution.

Your Committee on Education and your Committee on Corrections and Rehabilitation concur with the intent and purpose of H.R. No. 322 as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 322, H.D. 1.

Signed by all members of the Committees.

SCRep. 1019 Education on H.R. No. 445

The purpose of this resolution is to have the Department of Education conduct a study to determine what type of and provide for in-service training of educational assistants. This resolution also requires the Department of Education to establish a training committee to monitor the training needs as an on-going process.

Your Committee finds that the Department of Education utilizes the educational assistants in a variety of applications and has identified a need for their supportive services. The educational assistants work directly with the students and are required to be knowledgeable in a variety of areas, such as child psychology and classroom management. Presently, the educational assistants are unable to take full advantage of the available training programs due to the lack of appropriate classes, late notification, and their low priority for training slots. Also, most of the offered training programs are not directed toward the educational assistants.

Testimony presented by the Department of Education revealed that they presently have an In-Service Training Advisory Council (ITAC) in every school, which determines in-service training needs for educators. However, the existence and utilization of this council is minimal, as a majority of the educational assistants present at the hearing were unaware of such a council and the Hawaii State Teachers Association stated that this council is not active in all schools. Your Committee feels that the Department of Education should make a concerted effort to improve communication and delineate the responsibilities between the administration, teachers and educational assistants to facilitate the learning process for students.

Your Committee has amended this resolution to have the Department of Education work with the Department of Personnel Services to conduct an annual educational assistant seminar on teacher institute day. Your Committee has also amended this resolution to state that the Superintendent of Education shall establish, rather than appoint, the training committee and that two members of the Educational Assistants Association shall be included in the committee.

Your Committee has further amended this resolution to request that the Department of Education submit its findings and recommendations sixty days prior to the convening of the Regular Session of 1984.

Your Committee on Education concurs with the intent and purpose of H.R. No. 445, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 445, H.D. 1.

Signed by all members of the Committee.

SCRep. 1020      Water, Land Use, Development and Hawaiian Affairs and Human  
Services on H.R. No. 471

The purpose of this resolution is to request the Department of Land and Natural Resources to examine the feasibility of entering into a land exchange in order to purchase the former Okimoto Drug Store property in Wahiawa for renovation into a senior citizens community center.

Under present law, Section 171-50, Hawaii Revised Statutes, the State may engage in exchange of public land for private land for public purposes only. According to testimony, the former Okimoto Drug Store property would be acquired and renovated into a senior citizens community center. However, the Department of Land and Natural Resources has not yet received a formal request from agencies normally involved in senior citizens programs, such as the Executive Office of Aging and the City and County of Honolulu, for the acquisition of said property.

Your Committees are in agreement with the intent of the resolution, and further recognize that certain costs might be accrued. According to testimony by the Department of Land and Natural Resources, the feasibility study would cost a sum of \$10,000. In addition, the projected cost of planning and designing the community center would be approximately \$120,000. Your Committees note that there is in progress in the current session of the Legislature an appropriation request for this purpose and has included this fact in the resolution by adding a new "WHEREAS" clause.

Your Committees have also amended this resolution by requesting the Department of Land and Natural Resources to seek assistance and involvement of the Executive Office of Aging and the City and County of Honolulu in conducting the feasibility study, the land exchange, and the planning and design of the community center. Such amendments have been made in the title, the "BE IT RESOLVED" clause, and the first "BE IT FURTHER RESOLVED" clause.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Human Services concur with the intent and purpose of H.R. No. 471, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 471, H.D. 1.

Signed by all members of the Committees except Representative Chun.

SCRep. 1021      Water, Land Use, Development and Hawaiian Affairs and Human  
Services on H.C.R. No. 181

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to examine the feasibility of entering into a land exchange in order to purchase the former Okimoto Drug Store property in Wahiawa for renovation into a senior citizens community center.

Under present law, Section 171-50, Hawaii Revised Statutes, the State may engage in exchange of public land for private land for public purposes only. According to testimony, the former Okimoto Drug Store property would be acquired and renovated into a senior citizens community center. However, the Department of Land and Natural Resources has not yet received a formal request from agencies normally involved in senior citizens programs, such as the Executive Office of Aging and the City and County of Honolulu, for the acquisition of said property.

Your Committees are in agreement with the intent of the concurrent resolution, and further recognize that certain costs might be accrued. According to testimony by the Department of Land and Natural Resources, the feasibility study would cost a sum of \$10,000. In addition, the projected cost of planning and designing the community center would be approximately \$120,000. Your Committees note that there is in progress in the current session of the Legislature an appropriation request for this purpose and has included this fact in the concurrent resolution by adding a new "WHEREAS" clause.

Your Committees have also amended this concurrent resolution by requesting the Department of Land and Natural Resources to seek assistance and involvement of the Executive Office of Aging and the City and County of Honolulu in conducting the feasibility study, the land exchange, and the planning and design of the community center. Such amendments have been made in the title, the "BE IT RESOLVED" clause, and the first "BE IT FURTHER RESOLVED" clause.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Human

Services concur with the intent and purpose of H.C.R. No. 181, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 181, H.D. 1.

Signed by all members of the Committees except Representative Chun.

SCRep. 1022      Agriculture and Transportation on H.R. No. 55

The purpose of this resolution is to request the State Department of Transportation, with assistance from the Department of Agriculture and the Governor's Agriculture Coordinating Committee, to investigate the availability of and feasibility of obtaining federal funds to develop an intrastate highway system to efficiently move agricultural products throughout the State.

Your Committees find that it is essential for the preservation and growth of Hawaii's agriculture industry that transportation of Hawaii's products be improved. Your Committees find that the development of an interisland marine highway system would greatly improve the delivery of Hawaii's agricultural products. Your Committees also find that because of the current State financial position, it would be advantageous to obtain federal highway funds to assist in the implementation of a marine highway system for Hawaii.

Your Committees find that a marine highway system would be beneficial not only for the transportation of agricultural goods, but for the transportation of people as well. Your Committees also find that the intent of the resolution would be clarified if the references to "highways" therein is changed to "marine highways". For these reasons, your Committees have amended the title of the resolution to read: "HOUSE RESOLUTION REQUESTING AN INVESTIGATION INTO THE FEASIBILITY OF OBTAINING FEDERAL FUNDS FOR THE DEVELOPMENT OF AN INTRASTATE MARINE HIGHWAY SYSTEM FOR MORE EFFICIENT TRANSPORTATION OF AGRICULTURAL PRODUCTS AND PERSONS." In order that the study include transportation of persons, your Committees have amended the resolution by adding reference to transportation of persons in the first "whereas" clause, the second-to-last "whereas" clause, the "be it resolved" clause, and the first "be it further resolved" clause.

Your Committees have deleted the seventh "whereas" clause as unnecessary and have added in its place a "whereas" clause relating to H.R. No. 63, H.D. 1, which requests the State Department of Transportation to conduct an updated study of the financial aspects of a ferry system in Hawaii.

Your Committees removed references to findings of the House of Representatives in the second "whereas" clause to keep uniformity of language with H.C.R. No. 28 which is a concurrent resolution.

Your Committees also made minor technical and nonsubstantive amendments to the resolution.

Your Committees on Agriculture and Transportation concur with the intent and purpose of H.R. No. 55, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 55, H.D. 1.

Signed by all members of the Committees.

SCRep. 1023      Agriculture and Transportation on H.C.R. No. 28

The purpose of this concurrent resolution is to request the State Department of Transportation, with assistance from the Department of Agriculture and the Governor's Agriculture Coordinating Committee, to investigate the availability of and feasibility of obtaining federal funds to develop an intrastate highway system to efficiently move agricultural products throughout the State.

Your Committees find that it is essential for the preservation and growth of Hawaii's agriculture industry that transportation of Hawaii's products be improved. Your Committees find that the development of an interisland marine highway system would greatly improve the delivery of Hawaii's agricultural products. Your Committees also find that because of the current State financial position, it would be advantageous to obtain federal highway funds to assist in the implementation of a marine highway system for Hawaii.

Your Committees find that a marine highway system would be beneficial not only for



the transportation of agricultural goods, but for the transportation of people as well. Your Committees also find that the intent of the concurrent resolution would be clarified if the references to "highways" therein is changed to "marine highways". For these reasons, your Committees have amended the title of the concurrent resolution to read: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION INTO THE FEASIBILITY OF OBTAINING FEDERAL FUNDS FOR THE DEVELOPMENT OF AN INTRASTATE MARINE HIGHWAY SYSTEM FOR MORE EFFICIENT TRANSPORTATION OF AGRICULTURAL PRODUCTS AND PERSONS." In order that the study include transportation of persons, your Committees have amended the concurrent resolution by adding reference to transportation of persons in the first "whereas" clause, the second-to-last "whereas" clause, the "be it resolved" clause, and the first "be it further resolved" clause.

Your Committees have deleted the seventh "whereas" clause as unnecessary and have added in its place a "whereas" clause relating to H.R. No. 63, H.D. 1, which requests the State Department of Transportation to conduct an updated study of the financial aspects of a ferry system in Hawaii.

Your Committees removed references to findings of the House of Representatives in the second "whereas" clause because H.C.R. No. 28 is a concurrent resolution.

Your Committees also made minor technical and nonsubstantive amendments to the concurrent resolution.

Your Committees on Agriculture and Transportation concur with the intent and purpose of H.C.R. No. 28, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 28, H.D. 1.

Signed by all members of the Committees.

SCRep. 1024      Agriculture on H.R. No. 53

The purpose of this resolution is to direct the Department of Agriculture, Department of Transportation, and the Governor's Agriculture Coordinating Committee to investigate the feasibility of establishing consolidated storage and distribution facilities for agricultural products in each county.

Your Committee has received testimony in support of the intent of this measure from the Departments of Agriculture and Transportation.

Your Committee finds that the Governor's Agriculture Coordinating Committee (GACC) has already established a transportation subcommittee composed of members from the Department of Agriculture and the Department of Transportation to investigate the total agricultural transportation system in the State. Your Committee concurs with the recommendation of the College of Tropical Agriculture and Human Resources that the intent of this measure could be accomplished by requesting GACC to incorporate as part of its on-going investigation the feasibility of establishing consolidated storage and distribution facilities, and has amended this measure accordingly.

Your Committee has further amended the second "WHEREAS" clause on page 2, by changing "one-half" to "thirty percent" to correctly reflect the proportion of the total transportation costs between Hilo and the west coast.

Your Committee has also made some technical, nonsubstantive amendments to the measure for purposes of style and clarity.

Your Committee on Agriculture 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. 1025      Agriculture on H.C.R. No. 26

The purpose of this concurrent resolution is to direct the Department of Agriculture, Department of Transportation, and the Governor's Agriculture Coordinating Committee to investigate the feasibility of establishing consolidated storage and distribution facilities for agricultural products in each county.

Your Committee has received testimony in support of the intent of this measure from

the Departments of Agriculture and Transportation.

Your Committee finds that the Governor's Agriculture Coordinating Committee (GACC) has already established a transportation subcommittee composed of members from the Department of Agriculture and the Department of Transportation to investigate the total agricultural transportation system in the State. Your Committee concurs with the recommendation of the College of Tropical Agriculture and Human Resources that the intent of this measure could be accomplished by requesting GACC to incorporate as part of its on-going investigation the feasibility of establishing consolidated storage and distribution facilities, and has amended this measure accordingly.

Your Committee has further amended the second "WHEREAS" clause on page 2, by changing "one-half" to "thirty percent" to correctly reflect the proportion of the total transportation costs between Hilo and the west coast.

Your Committee has also made some technical, nonsubstantive amendments to the measure for purposes of style and clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 26, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 26, H.D. 1.

Signed by all members of the Committee.

SCRep. 1026      Water, Land Use, Development and Hawaiian Affairs on H.R. No. 459

The purpose of this resolution is to request the Governor to proclaim May 8-14, 1983 as Historic Preservation Week in Hawaii.

According to testimony, Historic Preservation Week is observed nationwide. This year the theme of "Preservation is Housing America" is being adapted locally as "Living in History" to honor the value and versatility of older homes which provide housing for our people and serve as historic landmarks linking the present to the past.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 459 and recommends its adoption.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1027      Water, Land Use, Development and Hawaiian Affairs on H.R. No. 436

The purpose of this resolution is to urge the U.S. Congress to acknowledge the illegal and immoral actions of the United States in the overthrow of the Kingdom of Hawaii in 1893, and to indicate its commitment to grant restitution for losses and damages suffered by native Hawaiians as a result of those actions.

In 1981 the U.S. President appointed a nine-member Native Hawaiian Study Commission to study the culture, needs, and concerns of native Hawaiians. Three of the members represented the State of Hawaii. According to testimony received by your Committee, the Commission's draft report of its findings and recommendations to the U.S. Congress failed to conduct a thorough and impartial examination of the historical and legal bases for native Hawaiians' claim of restitution regarding the historical actions surrounding the overthrow of the Kingdom of Hawaii in 1893. Therefore, Hawaii's three Commission members submitted a minority report in dissension from the Commission's draft report and in hopes of addressing the failures of the draft report.

Your Committee is in agreement with the intent and purpose of the resolution, and further believes that the U.S. Congress should be requested to proceed fairly and reasonably in its review of the Commission's draft report and minority report. The U.S. Congress should, first of all, be asked to examine the historical and legal bases of claims being made by native Hawaiians regarding the overthrow of the Kingdom of Hawaii in 1893. Your Committee is of the opinion that the next step would be for the Congress to acknowledge the illegality and immorality of the U.S. actions in overthrowing the Kingdom, and then to conduct an assessment of damages suffered by native Hawaiians. The final step would be congressional action to determine an appropriate response in restitution for the assessed damages.

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

the intent and purpose of H.R. No. 436 and recommends its adoption.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1028      Water, Land Use, Development and Hawaiian Affairs on H.C.R.  
No. 169

The purpose of this concurrent resolution is to urge the U.S. Congress to acknowledge the illegal and immoral actions of the United States in the overthrow of the Kingdom of Hawaii in 1893, and to indicate its commitment to grant restitution for losses and damages suffered by native Hawaiians as a result of those actions.

In 1981 the U.S. President appointed a nine-member Native Hawaiian Study Commission to study the culture, needs, and concerns of native Hawaiians. Three of the members represented the State of Hawaii. According to testimony received by your Committee, the Commission's draft report of its findings and recommendations to the U.S. Congress failed to conduct a thorough and impartial examination of the historical and legal bases for native Hawaiians' claim of restitution regarding the historical actions surrounding the overthrow of the Kingdom of Hawaii in 1893. Therefore, Hawaii's three Commission members submitted a minority report in dissension from the Commission's draft report and in hopes of addressing the failures of the draft report.

Your Committee is in agreement with the intent and purpose of the concurrent resolution, and further believes that the U.S. Congress should be requested to proceed fairly and reasonably in its review of the Commission's draft report and minority report. The U.S. Congress should, first of all, be asked to examine the historical and legal bases of claims being made by native Hawaiians regarding the overthrow of the Kingdom of Hawaii in 1893. Your Committee is of the opinion that the next step would be for the Congress to acknowledge the illegality and immorality of U.S. actions in overthrowing the Kingdom, and then to conduct an assessment of damages suffered by native Hawaiians. The final step would be congressional action to determine an appropriate response in restitution for the assessed damages.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 169 and recommends its adoption.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1029      Agriculture on H.R. No. 463

The purpose of this measure is to express opposition to the passage of the Caribbean Basin Economic Recovery Act, also referred to as the Caribbean Basin Initiative (CBI).

Your Committee has received testimony strongly supporting the adoption of this measure from the Chairman of the Board of Agriculture. Written testimony was received from Floral Resources/Hawaii, Inc. strongly opposing passage of the CBI.

Your Committee finds that although the promotion of economic opportunity in the Caribbean Basin is important to the United States, the similarity of agricultural products produced in Hawaii and that region is a matter that must be realized by our Congress. Passage of the CBI could have a devastating impact on Hawaii's share of the world market in sugar, pineapple, macadamia nuts, nursery products and other agricultural products.

Your Committee also finds that the tariff reductions or non-tariff status of agricultural commodities produced in the Caribbean Basin that directly compete with our products would further reduce Hawaii's agricultural base and be injurious to the economic health of our agricultural industries.

Your Committee has amended this measure by adding two "WHEREAS" clauses on page 2 to reflect this Legislature's concern regarding the impact of CBI passage to the State of Hawaii.

Your Committee has also amended this measure to direct distribution of certified copies of this measure to all members of the Senate Finance and House Ways and Means Committees.

Your Committee has made some technical, nonsubstantive changes for purposes of style and clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 463, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 463, H.D. 1.

Signed by all members of the Committee.

SCRep. 1030      Agriculture on H.C.R. No. 179

The purpose of this measure is to express opposition to the passage of the Caribbean Basin Economic Recovery Act, also referred to as the Caribbean Basin Initiative (CBI).

Your Committee has received testimony strongly supporting the adoption of this measure from the Chairman of the Board of Agriculture. Written testimony was received from Floral Resources/Hawaii, Inc. strongly opposing passage of the CBI.

Your Committee finds that although the promotion of economic opportunity in the Caribbean Basin is important to the United States, the similarity of agricultural products produced in Hawaii and that region is a matter that must be realized by our Congress. Passage of the CBI could have a devastating impact on Hawaii's share of the world market in sugar, pineapple, macadamia nuts, nursery products and other agricultural products.

Your Committee also finds that the tariff reductions or non-tariff status of agricultural commodities produced in the Caribbean Basin that directly compete with our products would further reduce Hawaii's agricultural base and be injurious to the economic health of our agricultural industries.

Your Committee has amended this measure by adding two "WHEREAS" clauses on page 2 to reflect this Legislature's concern regarding the impact of CBI passage to the State of Hawaii.

Your Committee has also amended this measure to direct distribution of certified copies of this measure to all members of the Senate Finance and House Ways and Means Committees.

Your Committee has made some technical, nonsubstantive changes for purposes of style and clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 179, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 179, H.D. 1.

Signed by all members of the Committee.

SCRep. 1031      Finance on H.R. No. 18

The purpose of this resolution is to request the Department of Social Services and Housing to study the feasibility of limiting the beneficiaries' freedom of choice in selecting medicaid providers.

Your Committee agrees that the spiraling cost of health care services is a matter of grave concern and finds the study requested by this resolution in order. An underlying cost problem is the seemingly unpredictable and nearly uncontrollable nature of medicaid increases.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 18 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1032      Finance on H.R. No. 13

The purpose of this resolution is to request the Department of Social Services and Housing (DSSH) to conduct a feasibility study on the expansion of livestock and other agricultural programs throughout the correctional system. The study shall also include market demand and fiscal impacts for implementation of these programs.

Your Committee feels that an expanded livestock and agricultural program would be a valuable asset to Hawaii's correctional system. A viable program for both the

juvenile and adult correction's population would provide a needed diversion for the inmates in addition to contributing to the self-sufficiency of the correctional facilities.

The Department of Agriculture and the University of Hawaii are to assist in this study.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 13, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1033      Finance on H.R. No. 390

The purpose of this resolution is to request the Real Estate Commission to prepare a report requested by the House in 1981 regarding problems experienced in administering Act 189, passed by the 1980 Legislature.

Act 189, Regular Session of 1980, provided prospective owner-occupants the opportunity to purchase new condominium units before they are made available to investors by imposing certain obligations upon developers and financial institutions. The Legislature was concerned about problems that might be encountered in administering the Act and whether improvements could be made to the Act. The Legislature therefore requested, by adopting House Resolution No. 144, that the Real Estate Commission provide the relevant information to the Legislature, twenty days prior to the convening of the Regular Session of 1982. No report was submitted to the Legislature. To emphasize continuing concern regarding the implementation of Act 189, the Commission was again requested to provide the related data.

Your Committee received written testimony from the Real Estate Commission that, with permanent staff now available through expansion of the use of the real estate education fund, the Commission will be able to provide the information.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 390 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1034      Finance on H.R. No. 33

The purpose of this resolution is to request the Board of Education to conduct a comprehensive review of library services and staffing and to report on its findings and recommendations to the legislature prior to the convening of the 1984 session.

Your Committee finds that the demand for services now offered by the public library system is increasing at a fast rate. This rapid growth may have adverse effects on the ultimate goal of the public library system to provide comprehensive library services with the necessary staffing and at the times the public needs these services.

The Board of Education and the state library system have testified in support of the spirit and intent of this resolution and expect no difficulty in meeting its objectives. According to the State Librarian, a master plan for 1984-1990 is already under development and is scheduled for completion by January 1984. Review and acceptance by the Board will follow. Your Committee suggests that the plan should include alternative approaches to achieve maximum efficiency and responsiveness to public needs and desires.

Your Committee on Finance is in accord with the intent and purpose of H.R. No. 33 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1035      Finance on H.R. No. 47

The purpose of this resolution is to request the Director of Planning and Economic Development to develop a plan for the provision of essential public services during an oil shortage.

Your Committee agrees that the formulation of a contingency plan which would insure the continuation of essential services and basic economic operations in the event of

a disruption in the oil supply is necessary in order to protect the public's health, safety, and welfare. Your Committee also agrees that the Director of Planning and Economic Development, in his capacity as the State Energy Resources Coordinator, would be the most appropriate authority to address this issue properly.

Your Committee has amended this resolution to include members of the private sector to assist the Director of Planning and Economic Development in the development of the plan. Your Committee finds that a representative group of experts would then be familiar with their responsibilities in the event of a fuel shortage.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 47, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 47, H.D. 1.

Signed by all members of the Committee.

SCRep. 1036          Finance on H.R. No. 63

The purpose of this resolution is to request the State Department of Transportation to conduct a study updating prior studies regarding the feasibility of an interisland water transportation system for the transportation of people and goods including a study of the costs and feasibility of a state-owned and state-operated system.

Numerous technical studies of a Hawaii ferry system have been conducted as well as studies of the feasibility of a state-owned and state-operated system. Your Committee finds that there is a need to conduct an in-house update of the financial aspects of the most recent studies.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 63, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1037          Finance on H.R. No. 193

The purpose of this resolution is to request the College of Tropical Agriculture and Human Resources and the Department of Agriculture to conduct a study on alternative means of controlling pests without the use of dangerous chemicals.

The Department of Agriculture has been carrying out biological control programs to control pests for many years and is considered one of the leaders in the world in this field. The biological control method uses the actions of beneficial organisms, such as parasites, predators, and pathogens, to regulate pest populations to acceptable levels. The success of biological control can greatly reduce or entirely eliminate the use of pesticides.

The College of Tropical Agriculture and Human Resources has an ongoing pest control program that includes studying and producing alternatives to the control of pests without chemicals in a broad field. These studies include, among others, breeding of crop plants that are resistant to disease; the biological control of pests; interactions between climatic factors and pest and disease incidence; and the behavioral traits of insects.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 193, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1038          Finance on H.R. No. 140

The purpose of this Resolution is to request the Hawaii Natural Energy Institute, the Department of Planning and Economic Development, and the Department of Agriculture to conduct a review of all current agri-energy research and development efforts in the State for the purpose of determining how development proposals can be made cost-effective, and to outline the State's role in assisting private industry in implementing such proposals.

There are many on-going efforts in agri-energy research and development projects.

Research has already proven that agricultural products such as sugar, pineapple, and corn can be used for the production of energy to help relieve Hawaii's almost total dependence on imported petroleum for electric power generation and motor vehicle fuel.

Agri-energy research and development efforts as recommended in this Resolution could hasten the development and implementation of agri-energy processing plants.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 140 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1039      Finance on H.R. No. 253

The purpose of this resolution is to request a study on the effects of hydrogen sulfide (H<sub>2</sub>S) on human health.

Hydrogen sulfide emissions are considered to be an important public health concern associated with the development of geothermal energy. The residents of Puna on the Island of Hawaii, where the Hawaii Geothermal Project-Abbott (HGP-A) commenced operation in 1981, have expressed concern over the effects of H<sub>2</sub>S exposure on their health. Unfortunately, little work has been done to study the effects of low-level exposure to hydrogen sulfide, as the gas is generally considered to be an acute-acting substance that is not carcinogenic, mutagenic, or teratogenic. Nonetheless, the Department of Health (DOH) has recommended that studies of the effects of exposure to H<sub>2</sub>S be promoted in Hawaii.

Your Committee finds that, in addition to possible deleterious effects that may arise from extended exposure to H<sub>2</sub>S, there have been complaints by Puna residents that air pollution from geothermal wells there have caused lung and eye irritation. Although it would be very difficult to link such symptoms to geothermal emissions, it is the opinion of your Committee that the complaints of the Puna residents should be investigated to verify or, possibly, refute them.

This resolution requests the DOH to form a medical panel to conduct a study of the effects of H<sub>2</sub>S and other geothermal air pollutants on human health. The study would entail conducting an annual health survey of Puna residents, monitoring ambient concentrations of H<sub>2</sub>S and other pollutants, in the Puna region, and investigating the complaints lodged by the Puna residents. The DOH is requested to provide administrative support to the medical advisory panel and establish a "hot line" to receive complaints.

Your Committee has amended this resolution to limit the study to two years and has also amended the title to read: "HOUSE RESOLUTION REQUESTING THE FORMATION OF A MEDICAL ADVISORY PANEL TO CONDUCT A STUDY OF THE EFFECTS OF HYDROGEN SULFIDE AND CERTAIN OTHER AIR POLLUTANTS ON HUMAN HEALTH."

Your Committee on Finance concurs with the intent and purpose of H.R. No. 253, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 253, H.D. 2.

Signed by all members of the Committee.

SCRep. 1040      Finance on H.R. No. 277

The purpose of this resolution is to request the Department of Agriculture and the Governor's Agriculture Coordinating Committee to formulate procedures to make available a reasonable portion of state funds, on a regular and continuing basis, for product promotion to the milk industry.

Your Committee finds that a major product promotion program is needed to improve the financial condition of what was once Hawaii's number one diversified agricultural industry.

Your Committee agrees that the State should assist the industry in the initial phase of a product promotion program.

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. 1041 Finance on H.R. No. 287

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study of the advisability of establishing a board under the Department of Commerce and Consumer Affairs to license physical therapists and physical therapist assistants and to regulate the practice of physical therapy.

Your Committee agrees that a study is in order to protect the public health and to determine whether a board to regulate the practice of physical therapy is necessary to provide protection for patients who require physical therapy.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 287 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1042 Finance on H.R. No. 312

This resolution mandates the College of Tropical Agriculture and Human Resources of the University of Hawaii-Manoa in conjunction with the Kokokahi World Hunger Foundation to explore the feasibility of conducting training programs in self-reliant, low-input food production in the tropics and further directs that the University of Hawaii-Manoa submit a report on its findings and recommendations to the Legislature twenty days prior to the convening of the Regular Session, 1984.

Your Committee has been made aware of the fact that by the year 2000, the world's population is expected to exceed 6 billion, with a corresponding diminishing of the world's forests and croplands; it is also estimated that the number of malnourished people in less developed countries could reach 1.3 billion.

Your Committee has been further apprised that the problems of a burgeoning world population coupled with increasing hunger and malnutrition have been focused on countries in tropical zones, and that the College of Tropical Agriculture and Human Resources has been addressing these concerns for many years by its research on tropical crops and human nutrition which has application to agriculture production and improved nutrition generally in the tropics. The College of Tropical Agriculture and Human Resources has experience in agricultural training in tropical environments. The University, through its various planning documents, has also committed itself to a leadership role in agricultural and aquacultural research and training in the Pacific and Asia.

The Kokokahi World Hunger Foundation, through its Kokokahi Hunger Mission Model, has also made important contributions to the development of tropical crops for food, fuel, and erosion control by establishing an international network for shared research and work-study.

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. 1043 Finance on H.R. No. 339

The purpose of this resolution is to request the Department of Education to review staffing, foundation staffing, and course offerings in large and small schools to assure that all of Hawaii's students are receiving quality education.

Your Committee amended the resolution to delete the request for a progress report and to require only a report prior to the convening of the Regular Session of 1984.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 339, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 339, H.D. 2.

Signed by all members of the Committee.



SCRep. 1044 Finance on H.R. No. 368

The purpose of this resolution is to request the Legislative Reference Bureau to study and evaluate financial assistance alternatives for victims of catastrophic diseases and their families.

Your Committee finds that victims of catastrophic diseases and their families incur tremendous costs, most of which are not covered by standard group medical insurance. Their assets may be completely depleted and they may be forced to seek public assistance and thus become state dependents.

Your Committee recognizes the need for the study and evaluation of alternatives to providing financial assistance to these people where standard medical insurance benefits have been exhausted and where no state, federal, or private support is available. Such a study should include the evaluation of government insurance programs at both state and federal levels.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 368 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1045 Public Employment and Government Operations on H.R. No. 441  
(Majority)

The purpose of this resolution is to convene a Task Force to conduct a comprehensive study on pay equity in public employment.

According to testimony, the Task Force would consist of at least ten members, including directors of personnel services, one representative from each of the exclusive representatives representing the bargaining units of public employees who are subject to Chapters 76 and 77, Hawaii Revised Statutes, and others. The resolution further stipulates staff assistance to be provided by the state and county personnel departments.

The final comprehensive report will include recommendations on; firstly, a pay equity policy for the State; secondly, the establishment to the existing pay structures and the job evaluation and wage setting process in order to achieve equity; and thirdly, the procedure for the fiscal implementation of an equitable pay structure.

Your Committee has amended this resolution to recommend that the chairperson for the Task Force be selected from the legislative research arm. Your Committee believes that this amendment will provide for more objective control and therefore a more effective and comprehensive study.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 441, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 441, H.D. 1.

Signed by all members of the Committee.  
(Representatives Grauly and Anderson did not concur.)

SCRep. 1046 Public Employment and Government Operations on H.C.R. No. 171  
(Majority)

The purpose of this concurrent resolution is to convene a Task Force to conduct a comprehensive study on pay equity in public employment.

According to testimony, the Task Force would consist of at least ten members, including directors of personnel services, one representative from each of the exclusive representatives representing the bargaining units of public employees who are subject to Chapters 76 and 77, Hawaii Revised Statutes, and others. The concurrent resolution further stipulates staff assistance to be provided by the state and county personnel departments.

The final comprehensive report will include recommendations on; firstly, a pay equity policy for the State; secondly, the establishment to the existing pay structures and the job evaluation and wage setting process in order to achieve equity; and thirdly, the procedure for the fiscal implementation of an equitable pay structure.

Your Committee has amended this concurrent resolution to recommend the chairperson for the Task Force be selected from the legislative research arm. Your Committee believes that this amendment will provide for more objective control and therefore a more effective and comprehensive study.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.C.R. No. 171, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 171, H.D. 1.

Signed by all members of the Committee.  
(Representatives Grauly and Anderson did not concur.)

SCRep. 1047      Public Employment and Government Operations on H.R. No. 450

The purpose of this resolution is for an interim committee of the House of Representatives to conduct a study on final offer whole package arbitration and to report its finding and recommendations to the House prior to the 1984 Legislative session.

According to testimony, the present final offer whole package arbitration law (Subsection 89-11(d), HRS) is flawed, and substantial amendments to this law are necessary if the process is to be equitable to all parties. An indepth study offers the opportunity for a comprehensive review, which is preferable to piecemeal changes.

According to testimony, in previous negotiations with Unit 11, Fire Fighters, the arbitration process weighed heavily in favor of the union. Therefore, your Committee has amended this resolution to also study whether the factors to be considered in reaching an arbitrated decision, weigh in favor of one party over the other, and whether such factors need clarification or elimination.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 450, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 450, H.D. 1.

Signed by all members of the Committee.

SCRep. 1048      Higher Education and the Arts on H.R. No. 448

The purpose of this resolution is to request that the House Committee on Higher Education and the Arts conduct an interim study regarding the establishment of higher education savings accounts, and submit a report of its findings and recommendations to the Legislature twenty days before the Regular Session of 1984.

Your Committee has received favorable testimony from the Department of Taxation, State of Hawaii, the University of Hawaii, Hawaii Loa College, Chaminade University, Pacific Financial Aid Association, and the Hawaii League of Savings and Loans. All of these organizations expressed concern regarding the current and future reductions in federal funds for higher education and further expressed support for the resulting need to explore alternatives so that students will at least have the chance for a secondary education.

An interim study as outlined in this resolution will provide the necessary background for your Committee to make an informed decision regarding the establishment of such accounts and will also provide the time to monitor pending federal legislation. The organizations who testified before the committee all indicated a willingness to participate in the study.

The opportunity to pursue a post secondary education program should be available to all students who desire to pursue such a course. In this age of high technology access to educational opportunities should not be viewed as a luxury but rather as a necessity. It is incumbent on the state to investigate all possible avenues which will enable students and their families to meet the increasing costs of higher education.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 448, and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1049 Health on H.R. No. 470

The purpose of this resolution is to request the Legislative Auditor to determine the means of making the testing of breast milk for heptachlor and heptachlor epoxide affordable and accessible.

Your Committee finds that presently, it is difficult for a mother to be tested for pesticide contamination of breast milk. The Pesticide Hazard Assessment Project at the University of Hawaii will test only donors to the Hawaii Mother's Milk Bank and often requires several weeks or months to obtain results. One private laboratory offers the service but charges \$150 per sample.

Your Committee finds there is a need for readily available and accessible testing but it is unnecessary to rely on the Legislative Auditor to seek solutions.

Your Committee has heard testimony from qualified individuals and organizations regarding the testing of breast milk for heptachlor and heptachlor epoxide. These include: Dr. Frederick Greenwood of the Pesticide Hazard Assessment Project, Dr. Richard A. Dubanoski of the University of Hawaii, and Sandy Polson of the Hawaii Mother's Milk Bank.

Your Committee finds that it is sufficient and most cost-efficient to request the House Committee on Health to conduct the study, drawing on willing resources including those listed above. The resolution has been amended accordingly. Your Committee has also adopted a minor technical amendment in the sixth clause of this resolution recommended by the Department of Health.

Your Committee on Health concurs with the intent and purpose of H.R. No. 470, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 470, H.D. 1.

Signed by all members of the Committee.

SCRep. 1050 Health on H.C.R. No. 182

The purpose of this Concurrent Resolution is to request the Legislative Auditor to determine the means of making the testing of breast milk for heptachlor and heptachlor epoxide affordable and accessible.

Your Committee finds that presently, it is difficult for a mother to be tested for pesticide contamination of breast milk. The Pesticide Hazard Assessment Project at the University of Hawaii will test only donors to the Hawaii Mother's Milk Bank and often requires several weeks or months to obtain results. One private laboratory offers the service but charges \$150 per sample.

Your Committee finds there is a need for readily available and accessible testing but it is unnecessary to rely on the Legislative Auditor to seek solutions.

Your Committee has heard testimony from qualified individuals and organizations regarding the testing of breast milk for heptachlor and heptachlor epoxide. These include: Dr. Frederick Greenwood of the Pesticide Hazard Assessment Project, Dr. Richard A. Dubanoski of the University of Hawaii, and Sandy Polson of the Hawaii Mother's Milk Bank.

Your Committee finds that it is sufficient and most cost-efficient to request the House Committee on Health to conduct the study, drawing on willing resources including those listed above. The concurrent resolution has been amended accordingly. Your Committee has also adopted a minor technical amendment in the sixth clause of this concurrent resolution recommended by the Department of Health.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 182, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 182, H.D. 1.

Signed by all members of the Committee.

SCRep. 1051 Health on H.R. No. 434

The purpose of this resolution is to request the State Health Planning and Development

Agency to study methods of controlling hospital costs. Methods to be studied include the possible creation of a Hawaii Health Care Cost Review Authority, and others itemized in the resolution. It is the intent of this resolution that the study be conducted by a committee of nine to 17 representatives of the health care industry as well as beneficiaries of services throughout the State and that their findings be submitted to the Legislature 30 days before the convening of the 1984 Regular Session.

Your Committee finds that unreasonable increases in hospital and health facilities costs must be controlled; left unchecked they will continue to endanger the health of citizens and the State's ability to help individuals while maintaining other services at a desirable level.

Your Committee on Health concurs with the intent and purpose of H.R. No. 434 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1052      Health on H.R. No. 457

The purpose of this resolution is to request a risk assessment of potential health hazards facing Hawaii infants as a result of of heptachlor contamination. It is the intent of this resolution that the Legislative Auditor arrange for the assessment, of infants born since October 1980, under the auspices of the National Institute of Environmental Health Sciences. Within the scope of the funds available to the Auditor, the assessment should be conducted by Dr. Irving Selikoff of the Mount Sinai Hospital Environmental Science Laboratory or a party of equivalent technical expertise and qualifications.

Your Committee recognizes the need for further study of potential health hazards resulting from heptachlor contamination, specifically on the approximately 50,000 infants conceived and born during the known period of heptachlor contamination on Oahu.

Your Committee on Health concurs with the intent and purpose of H.R. No. 457 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1053      Health on H.C.R. No. 175

The purpose of this concurrent resolution is to request a risk assessment of potential health hazards facing Hawaii infants as a result of of heptachlor contamination. It is the intent of this concurrent resolution that the Legislative Auditor arrange for the assessment, of infants born since October 1980, under the auspices of the National Institute of Environmental Health Sciences. Within the scope of the funds available to the Auditor, the assessment should be conducted by Dr. Irving Selikoff of the Mount Sinai Hospital Environmental Science Laboratory or a party of equivalent technical expertise and qualifications.

Your Committee recognizes the need for further study of potential health hazards resulting from heptachlor contamination, specifically on the approximately 50,000 infants conceived and born during the known period of heptachlor contamination on Oahu.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 175 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1054      Judiciary on S.B. No. 570

The purpose of this bill is to create a new offense of cruelty to animals involving fighting dogs, which shall be a class C felony. This bill will outlaw activities such as the training of dogs for fighting, amusement or gain from dog fighting activities.

Your Committee has heard testimony from the Hawaii Humane Society, the Honolulu Prosecuting Attorney, the Honolulu Police Department, and the Progressive Dog Training, Inc., in support of the bill. In accordance with their testimony, your Committee finds that the inhumane practice of dog fighting and other related activities to be gaining in popularity as a sport. Although these practices may be prosecuted under the cruelty

to animals section of the Hawaii Penal Code, your Committee finds that there is a need to impose a greater sanction.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 570, 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. 1055      Human Services on H.C.R. No. 192

The purpose of this concurrent resolution is to study ways to encourage the public and private sectors to work together in a coordinated and orderly effort to address the community's needs.

Your Committee finds that under current fiscal constraints, many human service programs are becoming increasingly concerned with maximizing efficiency through improved management and cost-effective service delivery systems and addressing community needs.

Your Committee agrees that coordination is very important between the public and private sectors. A study, like this concurrent resolution specifies, is needed to clarify and identify untapped human, technical and material resources that may be utilized to address community needs and to achieve a coordinated mechanism to support these initiatives; to provide an overview of current means of funding; to uncover the barriers of private sector involvement in government; and to determine new ways of leveraging existing national and state resources that need to be explored, and altering of delivery systems to better utilize existing resources.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 192, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Kiyabu and Morgado.

SCRep. 1056      Human Services on H.R. No. 430

The purpose of this resolution is to request the Department of Social Services and Housing to conduct a study of personal care services.

Your Committee finds that Act 157 of the Regular Session of 1982 made an appropriation of \$500,000 to the Department to provide personal care services to those eligible for medical assistance. The Department proceeded to establish rules to implement this program but stopped short of final promulgation because of an anticipated budget deficit for fiscal year 1982-1983. The Department indicated that without assurance of continued funding for fiscal year 1983 and beyond, they chose to defer implementation for the current fiscal year.

Your Committee finds that with the rising cost in institutional care, alternatives to institutionalization to assist the disabled and elderly to remain in their own homes are of considerable importance.

Your Committee agrees that a determination of the number of eligible persons and the cost of providing personal care services is necessary to gather data to guide future legislative actions.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 430, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1057      Human Services on H.R. No. 490

The purpose of this resolution is to direct the House Committee on Human Services to review innovative methods used by other states to generate revenues for child and family violence prevention, protection, and treatment programs during the 1983 interim.

Your Committee finds that with governmental funding sources diminishing and human service needs increasing under current economic conditions, there is an urgent requirement to explore alternative or previously untapped resources to prevent child abuse and neglect and spouse abuse.

Your Committee agrees that the children are our most valuable resource and they represent our future. The link between mental illness, substance abuse, crime, and being a victim of child abuse has been repeatedly documented. Your Committee feels that we cannot afford to ignore this growing problem of child abuse and its later repercussions.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 490, and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1058      Agriculture and Transportation on S.C.R. No. 41

The purpose of this concurrent resolution is to request the Department of Transportation to undertake a feasibility study investigating several aspects regarding the transportation of diversified Hawaii agricultural products by air.

Reliable and efficient air transportation of perishable agricultural products is vital for the development and maintenance of a viable diversified agriculture industry in Hawaii. Your Committees find that cargo space to airlift such products has not been sufficient or reliable in the past. The ultimate level of development of large segments of the diversified agriculture industry in Hawaii is dependent on efficient and reliable transportation of perishable commodities to the market place.

Your Committees also find that the Department of Transportation has the responsibility to facilitate the rapid and economical movement of goods and people into, within, and out of the State. Your Committees believe the Department should study all the possible alternatives which would enable the efficient and feasible movement of perishable agricultural products.

Your Committees have made some technical, nonsubstantive amendments to this measure for purposes of style and clarity.

Your Committees on Agriculture and Transportation concur with the intent and purpose of S.C.R. No. 41, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 41, H.D. 1.

Signed by all members of the Committees.

SCRep. 1059      Judiciary on H.R. No. 319

The purpose of this resolution is to request the House Judiciary Committee to conduct a review of campaign spending laws.

Your Committee is in agreement with testimony presented by the League of Women Voters. Attempts to refine campaign spending laws in recent years have resulted in "piecemeal" legislation. Your Committee wishes to establish an interim committee to review the law in a systematic manner and report its findings and recommendations to the House of Representatives. Your Committee wishes to balance the needs of the public interest with the concerns of candidates and develop a law that is effective and fair.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 319 and recommends that it be referred to the Legislative Management Committee.

Signed by all members of the Committee.

SCRep. 1060      Water, Land Use, Development and Hawaiian Affairs on H.C.R. No.  
178

The purpose of this concurrent resolution is to request the Governor and the Board of Land and Natural Resources to give priority to the making of space available to Hawaiian

Tuna Packers on State property on Koula Street in the Kewalo Basin area, for an expansion of the Packers' cannery operation when such space becomes available and after the Packers has given reasonable assurance that it intends to keep its cannery operations in Hawaii.

In recent years a world-wide surplus of canned light meat tuna has created a severe economic strain on the tuna industry, including that in Hawaii. Several U.S. tuna canneries have been closed down. Hawaiian Tuna Packers, the only Hawaii-based tuna cannery, has also been experiencing problems in the procurement, production, and marketing of tuna and has considered closing down its cannery operations at Kewalo Basin. Your Committee is of the opinion that it is imperative for the State to take an active role in encouraging the continued operation of Hawaiian Tuna Packers' cannery by assisting the company in locating adequate refrigeration capacity to receive and store large shipments of frozen tuna.

According to testimony, the parcel in question is a 1.4-acre plot having been set aside by Executive Order No. 2742 to the Department of Accounting and General Services for a maintenance and storage baseyard. However, the Department no longer uses the premises. Rather, the State of California in conjunction with Hawaii's Department of Agriculture is presently leasing a portion of the parcel as a fruit fly breeding facility; and another portion is being used by the Department of Health. The fruit fly operation will be terminated in a year or so, thus making the space available for other uses. The Department of Land and Natural Resources is in contact with Hawaiian Tuna Packers for the latter's use in expanding its cannery operations.

Your Committee is in agreement with the intent of the concurrent resolution and has made a few non-substantive amendments.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 178, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 178, H.D. 1.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1061      Education on H.R. No. 108

The purpose of this Resolution is to conduct a review of the school priority fund program, including opportunities for input, effectiveness, and operational concerns. It is requested that this review be conducted by the House Committee on Education during the 1983 Legislative Session.

Your Committee heard testimony from the Department of Education that a mid-year evaluation of the school priority fund was conducted in February 1983 and that the findings showed that some school principals did not consult with students, parents, and community members in determining the use of the priority funds. In response to this review, the Department of Education issued "School-Level Guidelines on Consultations, Positions, and Funds for School Year 1983-84".

Your Committee has amended this Resolution to request that the Department of Education submit a report on the uses of the School Priority Fund monies for School Year 1982-83 and that this report include findings on the kind and level of consultations which occurred between school administrators, faculty, students, parents, and community members.

Your Committee has further amended this Resolution to request that the Department of Education submit this report to the House Committee on Education by October 1, 1983.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 108, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 108, H.D. 1.

Signed by all members of the Committee.

SCRep. 1062      Health and Agriculture on H.R. No. 506

The purpose of this resolution is to request the House Committee on Health to review the requirements and procedures to certify handlers of restricted pesticides, and to submit a report of its findings and recommendations to the House of Representatives at least 20 days prior to the convening of the 1984 Regular Session.

It is the intent of this resolution that the review include close study of the content of the certification examination and the appropriateness and adequacy of certification requirements for pesticide procurers and distributors, applicators, crop harvesters and other persons who use or are in direct contact with restricted pesticides. Assisting in the review would be the Department of Health, the Department of Agriculture and other appropriate agencies.

Your Committees find that the review may lead to changes in the certification process that would aid in preventing pesticide misuse. Testimony in favor of this resolution has been heard from the Board of Agriculture, the Hawaii Farm Bureau Federation, the Department of Health and the University of Hawaii College of Tropical Agriculture and Human Resources. Your Committees find that the proposed review requires the active participation of agricultural as well as health interests, thus your Committees have amended the resolution by requesting the House Committee on Agriculture to work with the Committee on Health in conducting the review. The sixth clause of the resolution has been amended accordingly.

Your Committees on Health and Agriculture concur with the intent and purpose of H.R. No. 506, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 506, H.D. 1.

Signed by all members of the Committees.

SCRep. 1063          Health on H.R. No. 460

The purpose of this resolution is to request hospitals and other medical facilities in Hawaii to retain medical records.

Your Committee recognizes the importance of retaining medical records for genetic counseling, medico-legal purposes, and for medical research but there is confusion and disagreement as to which medical records should be retained, for how long and by whom.

Some hold that medical records will not be preserved without legislative directive. Your Committee has heard S.B. No. 934, S.D. 1 addressing this issue but has not yet recommended action on the bill. Among the concerns to be resolved are: the cost of storage and maintenance, the determination of a reasonable length of time for storage and subsequent disposal standards, and the disposition of county/state hospital medical records.

The next opportunity to address this issue is the 1984 Regular Session; until then, medical facilities are urged to retain their records. Your Committee has amended the resolution to clarify the timing involved with this resolution.

Your Committee on Health concurs with the intent and purpose of H.R. No. 460, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 460, H.D. 1.

Signed by all members of the Committee.

SCRep. 1064          Health on H.R. No. 473

The purpose of this resolution is to resolve that the State provide long term support for community residential treatment centers for the deinstitutionalization of patients from Waimano Home and Hawaii State Hospital.

Your Committee heard this resolution along with H.R. No. 474 and H.R. No. 487. The former requests the Department of Health, through the Office of Community Support, to develop a plan for: 1) community-based treatment facilities which would serve as alternatives and follow-up to hospitalization; 2) a budget; and 3) five year phase-in schedule for such facilities. The latter requests that the Neighborhood Justice Center conduct a study on the means to equitably distribute community-based facilities for the mentally ill and the mentally retarded on Oahu.

Your Committee finds that the three resolutions share a common concern, that of developing the most effective and cost-efficient system of care for the mentally ill and the mentally retarded. This requires the development and integration of community-based care with institutional care.



For the purposes of brevity and clarity, your Committee has seen fit to integrate the three resolutions into one, H.R. No. 473. H.R. No. 473 has thus been amended by altering the title, replacing the word "centers" with "facilities". This better reflects the common concern of the three resolutions.

Key clauses from each resolution have been worked into H.R. No. 473. Your Committee finds that the plan to be developed by the Office of Community Support and the study to be conducted by the Neighborhood Justice Center require funding. Testimony from the Department of Health, Mental Health Division indicates that the necessary funds, which constitute a very modest portion of its budget, could be channeled to the Office of Community Support without adversely affecting the Department of Health. Likewise, the Neighborhood Justice Center has responded positively to inquiries about the required matching funds, having applied for a Federal grant to conduct a study such as that requested through the resolution.

Your Committee on Health concurs with the intent and purpose of H.R. No. 473, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 473, H.D. 1.

Signed by all members of the Committee.

SCRep. 1065      Health on H.R. No. 504

The purpose of this resolution is to commend those people and organizations who work to improve community-based mental health services in Hawaii and to celebrate May, 1983 as Mental Health Month in Hawaii.

Your Committee recognizes that "Open the Door to Help" has been designated as the national theme for Mental Health Month, May, 1983, in honor of those who are working to improve community-based mental health services.

Your Committee finds that community programs in Hawaii have helped people with mental illnesses to learn to live as independently and productively as they can. Community-based mental health services help to minimize unnecessary or inappropriate institutionalization and also provide understanding, acceptance, and support to those who experience serious mental health problems.

Your Committee on Health concurs with the intent and purpose of H.R. No. 504 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1066      Health on H.R. No. 321

The purpose of this resolution is to request the development of a breast cancer treatment alternatives (BCTA) information sheet and a plan for its distribution. It is the intent of this resolution that the Hawaii Medical Association and the Hawaii Chapter of the American Cancer Society develop the information sheet, describing in simple language the risks and procedures of alternative methods of breast cancer treatment. Accompanying the information should be a consent form, developed by the Hawaii Medical Association, to verify that a patient has read and understood it. The Hawaii Medical Association is also requested to prepare a plan of distribution submitted, along with the information sheet and form, to the House of Representatives at least 20 days before the convening of the 1984 Regular Session.

Your Committee finds that the information sheet and attached form are not presently provided to patients facing breast cancer surgery; there is a need for information provided in such a manner so as to help women make informed decisions.

Your Committee finds that this resolution offers positive support to the statutes on informed consent since it provides an efficient mechanism for the dissemination of information.

Your Committee adopted the recommendation of the Hawaii Medical Association concerning statistics and language by amending the first and third clauses of the resolution.

Your Committee concurs with the intent and purpose of H.R. No. 321, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 321, H.D. 1.

Signed by all members of the Committee.

SCRep. 1067 Health on H.R. No. 395

The purpose of this resolution is to urge the Hawaii State Hospital to implement its billing procedures and sliding rate scale fairly and consistently for acute and rehabilitative psychiatric services.

Your Committee finds the hospital in the difficult position of meeting the requirements of State statutes and third party payors while trying to deal with patients and their families in a fair and compassionate manner. In January 1982, the hospital increased its daily charge from \$10.50 to \$133 and, as required by statute, continued to bill all patients for services rendered. The increase in daily charges recently led to the promulgation of a sliding rate scale based on a patient's ability to pay.

Your Committee recognizes that before the rate scale can be applied, a patient must be billed in full; this uniform rate application is a requirement of third party payors for reimbursement to the hospital.

Testimony from the Mental Health Association in Hawaii and the Juveniles in Placement Committee indicates that patients and their families do not fully understand the hospital's billing and collection procedures. Thus they are unprepared for receipt of prohibitive bills that range into the thousands of dollars and subsequent visits from a hospital representative for the purpose of property assessment used to determine ability to pay.

Your Committee considers the behavior of the Hawaii State Hospital callous and unacceptable. The hospital must fully explain the rate scale and the purpose of disclosure statements so that patients and families understand the limits of their financial obligation. Your Committee finds that the hospital's present failure to do so discourages use of hospital services by many in need of acute and rehabilitative psychiatric care.

The resolution has been amended to reflect these concerns of your Committee. Two clauses have been added to the resolution to clarify its purpose, i.e., that fair and consistent billing procedures entail thorough explanations to patients and their families about the limits of their financial obligation to the State, as determined by disclosure statements and the rate scale. It is the intent of this resolution, as amended, that the hospital administer its billing system in such a way as to encourage use of the hospital by those in need rather than discourage it.

Your Committee on Health concurs with the intent and purpose of H.R. No. 395, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 395, H.D. 1.

Signed by all members of the Committee.

SCRep. 1068 Water, Land Use, Development and Hawaiian Affairs and State General Planning on H.R. No. 512

The purpose of this resolution is to request the House Committees on Water, Land Use, Development and Hawaiian Affairs and State General Planning to form an interim committee to conduct a study on the State of Hawaii land use management policies.

According to testimony, there is a need for the Legislature to address the wide range of issues in land use management policies in Hawaii. For one thing, a comprehensive approach to separating State and County interests in land use matters is needed. Also, the Department of Planning and Economic Development prepared a 1981 study entitled Land Use Management Study which analyzed many of the land use issues and concerns in the State and which further recommended particular actions. It is imperative that the Legislature review these analyses and recommendations.

Your Committees are in agreement with the intent of this resolution, but has made numerous technical and non-substantive amendments. Two amendments, in particular, are in the first "BE IT FURTHER RESOLVED" clause:

- (1) That the reference to "committees" be replaced by "interim committee"; and
- (2) That the word "develop" be replaced by "recommend" in order to allow the interim committee flexibility in drafting enabling legislation.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and State General Planning concur with the intent and purpose of H.R. No. 512, as amended herein,

and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 512, H.D. 1.

Signed by all members of the Committees except Representatives Crozier, Ige, Ikeda and Jones.

SCRep. 1069      Water, Land Use, Development and Hawaiian Affairs on H.R. No. 502

The purpose of this resolution is to request the Legislative Auditor to study the issues and problems relating to the revenues in the public land trust.

According to testimony received by your Committee, there are limitations on the use of public land trust revenues which have created on-going problems for OHA in its efforts to carry out its constitutional and statutory responsibilities to Hawaiians and native Hawaiians. Under present law the public land trust revenues can be used only for the benefit of native Hawaiians. However, OHA is responsible for programs for both native Hawaiians and non-native Hawaiians. Therefore, the Legislature has found it necessary to supplement OHA's operating budget with general fund appropriations, on a dollar-for-dollar matching basis with revenues from the public land trust, in order that non-native Hawaiians may also be served.

Your Committee is in agreement with the intent and purpose of this resolution, but has made some technical and other non-substantive amendments.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 502, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 502, H.D. 1.

Signed by all members of the Committee except Representatives Crozier and Kawakami.

SCRep. 1070      Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 194

The purpose of this concurrent resolution is to request the Legislative Auditor to study the issues and problems relating to the revenues in the public land trust.

According to testimony received by your committee, there are limitations on the use of public land trust revenues which have created on-going problems for OHA in its efforts to carry out its constitutional and statutory responsibilities to Hawaiians and native Hawaiians. Under present law the public land trust revenues can be used only for the benefit of native Hawaiians. However, OHA is responsible for programs for both native Hawaiians and non-native Hawaiians. Therefore, the Legislature has found it necessary to supplement OHA's operating budget with general fund appropriations, on a dollar-for-dollar matching basis with revenues from the public land trust, in order that non-native Hawaiians may also be served.

Your Committee is in agreement with the intent and purpose of this concurrent resolution, but has made some technical and other non-substantive amendments.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 194, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 194, H.D. 1.

Signed by all members of the Committee except Representatives Crozier and Kawakami.

SCRep. 1071      Ocean and Marine Resources on H.C.R. No. 193

The purpose of this concurrent resolution is to request the President of the United States and the United States Congress to reauthorize the National Aquaculture Act of 1980.

According to testimony presented by the Department of Land and Natural Resources, the National Aquaculture Act of 1980 was promulgated to crystalize the amorphous national

commitment to aquaculture development. The implementation of the directives of the Act has been slow, and the Administration has been unsure of the priority aquaculture should receive. Nonetheless, significant progress has been made by the key Federal agencies under the guidance of the legislation, and a distinct national policy for aquaculture development is emerging.

Your Committee finds that the State of Hawaii has made significant progress in fostering a viable commercial aquaculture production sector, which produces goods for local consumption and export, as well as aquaculture research, training and technology sector, which provides aquaculture research and consulting services locally, nationally, and particularly internationally to developing countries in tropical areas of the world.

Your Committee further finds that failure of the Congress to reauthorize the National Aquaculture Act will decelerate efforts to establish aquaculture as a priority national economic development matter, and will reduce Federal support for this important industry.

Your Committee is in agreement with the intent and purpose of this concurrent resolution and strongly recommends to the President of the United States and the Congress to re-authorize the National Aquaculture Act of 1980 and appropriate funds for its implementation.

Your Committee has amended this concurrent resolution by providing that this concurrent resolution, upon adoption, is also to be transmitted to the Chairman of the U.S. House Committee on Agriculture.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 193, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 193, H.D. 1.

Signed by all members of the Committee except Representatives Crozier and Say.

SCRep. 1072      Employment Opportunities and Labor Relations on H.R. No. 449

The purpose of this resolution is to urge Qantas Airways to return to meaningful negotiations with the International Association of Machinists and Aerospace Workers, AFL-CIO, and to convey the opinions of the House of Representatives to parties concerned.

Your Committee, after hearing testimonies from District Lodge 141, International Association of Machinists and Aerospace Workers, the Hawaii State AFL-CIO, and other affected citizens of the State of Hawaii, finds from the information presented that the foreign based carrier, Qantas Airways, did not negotiate in good faith with the union. The position of Qantas was to contract out all their U.S. Airport work to a "handling company" and to reduce their worldwide workforce without regards to union proposals. Concessions of three million dollars savings to the company were offered in the presence of Mr. Robert Harris, the Chairman of the Federal Mediation Board, only to be rejected. In return Qantas offered a severance package which the employees rejected in favor of keeping their jobs. No further mediation or negotiation has taken place and at present the union workers are "locked-out."

During the public hearing, a letter from Senator Inouye, dated March 11, 1983, to the Chairwoman of the Subcommittee on Aviation, Senate Commerce, Science, and Transportation on Aviation, Senator Nancy Kassebaum, was introduced. The letter indicated a request was made for a Senate hearing to review current international airline agreements between the United States and Australia. Senator Inouye stated in his letter that Qantas may have a competitive advantage over the U.S. carriers if, as he understands it, our carriers operating in Australia are required by Australian law to pay union wages, while Qantas, on the other hand, by its own actions has taken the position that there is no reciprocal requirement with respect to its operations in the United States.

Your Committee further finds that in view of the international nature of this resolution, that this resolution also be sent to the President of the United States, the U.S. Secretary of State and the Prime Minister of Australia. Accordingly, amendments to include the above individuals have been made.

Your Committee has also amended the resolution to the effect that copies will be sent to a number of Australian news publications.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 449, as amended herein, and recommends it be adopted

in the form attached hereto as H.R. No. 449, H.D. 1.

Signed by all members of the Committee.

SCRep. 1073          Judiciary on H.C.R. No. 120

The purpose of this concurrent resolution is to request the United States Senate to ratify treaties with friendly Pacific island governments.

Your Committee has heard favorable testimony from Ambassador William Bodde, Jr. and Rep. Fred Rohlfling indicating that delay in the ratification of treaties to friendly Pacific island nations the United States may jeopardize friendly economic and social relations the nation now enjoys.

Your Committee finds that Hawaii, in particular, has an interest in maintaining friendly relations with Pacific island nations and urges the United States Senate to take favorable action on the treaties as soon as possible.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 120 and recommends its adoption.

Signed by all members of the Committee except Representative Hayes.

SCRep. 1074          Judiciary on H.R. No. 329

The purpose of this resolution is to request the President and the Congress of the United States to augment the U.S. ambassadorial force to Pacific island nations by the appointment of:

1.          an ambassador-at-large to the South Pacific island nations of Western Samoa, Niue, Cook Islands, Vanuatu, Wallace/Futuna, and French Polynesia, who shall be headquartered in Pago Pago, American Samoa or in Hawaii; and
2.          an ambassador-at-large to the Western and Central Pacific island nations of the Federated States of Micronesia, Palau, Republic of the Marshall Islands, Kiribati, Tuvalu, and Nauru, who shall be headquartered in Agana, Guam or Saipan, Commonwealth of the Northern Mariana Islands.

Certified copies of this resolution are requested to be transmitted to the President of the United States, the Secretary of State, the majority and minority leaders of both Houses of the Congress, the chairman of the Senate Committee on Foreign Relations, the chairman of the House Committee on Foreign Affairs, and the members of Hawaii's Congressional delegation.

Your Committee finds that the appointment of two additional ambassadors will further the understanding of Pacific problems and improve U.S. policy in the area.

Representative Fred Rohlfling and the Director of Pacific Islands Study Program of the University of Hawaii testified in support of the resolution.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 329 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1075          Judiciary on H.C.R. No. 126

The purpose of this concurrent resolution is to request the President and the Congress of the United States to augment the U.S. ambassadorial force to Pacific island nations by the appointment of:

1.          an ambassador-at-large to the South Pacific island nations of Western Samoa, Niue, Cook Islands, Vanuatu, Wallace/Futuna, and French Polynesia, who shall be headquartered in Pago Pago, American Samoa or in Hawaii; and

2. an ambassador-at-large to the Western and Central Pacific island nations of the Federated States of Micronesia, Palau, Republic of the Marshall Islands, Kiribati, Tuvalu, and Nauru, who shall be headquartered in Agana, Guam or Saipan, Commonwealth of the Northern Mariana Islands.

Certified copies of this concurrent resolution are requested to be transmitted to the President of the United States, the Secretary of State, the majority and minority leaders of both Houses of the Congress, the chairman of the Senate Committee on Foreign Relations, the chairman of the House Committee on Foreign Affairs, and the members of Hawaii's Congressional delegation.

Your Committee finds that the appointment of two additional ambassadors will further the understanding of Pacific problems and improve U.S. policy in the area.

Representative Fred Rohlfling and the Director of Pacific Islands Study Program of the University of Hawaii testified in support of the concurrent resolution.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 126 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1076          Judiciary on H.R. No. 511

The purpose of this resolution is to commemorate May 1, 1983, as LAW DAY U.S.A., and to have the Legislature join in and urge all citizens of the State to participate in the observance of LAW DAY U.S.A., May 1, 1983, through appropriate ceremonies and observances.

Your Committee has heard testimony from Michael W. Gibson, a Hawaii attorney, who is the Law Week Chairman for the Hawaii State Bar Association, in favor of this resolution.

Your Committee finds that it is important to commemorate and recognize May 1, 1983, as Law Day, U.S.A., and it is desirable for every citizen of this State to understand both the principles and practices of American law and justice through the many events and festivities that will be observed.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 511 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1077          Judiciary on H.C.R. No. 198

The purpose of this concurrent resolution is to commemorate May 1, 1983, as LAW DAY U.S.A., and to have the Legislature join in and urge all citizens of the State to participate in the observance of LAW DAY U.S.A., May 1, 1983, through appropriate ceremonies and observances.

Your Committee has heard testimony from Michael W. Gibson, a Hawaii attorney, who is the Law Week Chairman for the Hawaii State Bar Association, in favor of this resolution.

Your Committee finds that it is important to commemorate and recognize May 1, 1983, as Law Day, U.S.A., and it is desirable for every citizen of this State to understand both the principles and practices of American law and justice through the many events and festivities that will be observed.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 198 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1078      Judiciary and Human Services on H.R. No. 418

The purpose of this resolution is: to express opposition to military aid to and covert action in El Salvador and the rest of Central America; to urge the U.S. government to provide aid only for humanitarian purposes; to recognize the right of self-determination of the Salvadorean people; and to work for a negotiated political resolution.

Your Committees heard or received testimony from 21 organizations and individuals in support of this resolution. The ILWU Local 142, the Hawaii State AFL-CIO, the Hawaii Building and Construction Trades Council, the Hawaii State Teachers Association, the Hawaii Council of Churches, the American Civil Liberties Union, the American Friends Service Committee, the University YWCA, the Maryknoll Sisters Justice and Peace Committee, the Committee in Support of the People of El Salvador, the Committee for Human Rights in the Philippines, Medical Aid for El Salvador Hawaii Chapter, the Hawaii Alliance, the Pacific Concerns Resource Center, and numerous individuals strongly urged adoption of H.R. No. 418. The testimony focused on the human rights violations in El Salvador, the history and conditions of the country and the region of Central America, problems in American domestic and foreign policy and the repressive and brutal nature of the El Salvador government and military machine. Many individuals who testified have lived, worked and traveled in Central America, as well as Latin America, and have an intimate, firsthand familiarity with the people and their problems.

Your Committees have made amendments to this resolution, such as omitting a quotation from former U.S. Ambassador to El Salvador Robert White, rearranging several whereas clauses, and inserting that state legislatures have also expressed opposition to American involvement in El Salvador.

Your Committees on Judiciary and Human Services concur with the intent and purpose of H.R. No. 418, as amended herein, and recommend its adoption, in the form attached hereto as H.R. No. 418, H.D. 1.

Signed by all members of the Committees.

SCRep. 1079      Finance on H.R. No. 342

The purpose of this resolution is to urge the fire chief of each county to take all appropriate measures, including the preparation, refinement, and implementation of a comprehensive fire management plan, in order to safeguard residential areas from brush, range, and forest fires.

The Maui County Fire Department has already taken steps in implementing a lot clearing enforcement program in order to reduce fire loss, especially on the leeward side of Haleakala, and to improve firefighting efforts on Maui. Your Committee is in agreement that such efforts should be instituted in all counties.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 342, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1080      Finance on H.R. No. 391

The purpose of this resolution is to request the Legislative Reference Bureau to study the probable consequences of removing motorcycles and other vehicles with less than four wheels from the mandatory personal injury protection requirements of the Hawaii no-fault law.

It appears that the cost of motorcycle coverage has reached a prohibitive level and many motorcyclists are uninsured. This situation, in turn, affects the burdens placed upon insured motorists. Also motorcycle owners seeking to eliminate the mandatory coverage have argued that existing health insurance plans are adequate to cover their needs for personal injury protection. Your Committee feels that a study of this matter would be valuable.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 391 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1081 Finance on H.R. No. 445

The purpose of this resolution is to have the Department of Education conduct a study to determine what type of and provide for in-service training of educational assistants. This resolution also requires the Department of Education to establish a training committee to monitor the training needs as an ongoing process.

Your Committee finds that the Department of Education utilizes the educational assistants in a variety of applications and has identified a need for their supportive services. The educational assistants work directly with the students and are required to be knowledgeable in a variety of areas, such as child psychology and classroom management. Presently, the educational assistants are unable to take full advantage of the available training programs due to the lack of appropriate classes, late notification, and their low priority for training slots. Also, most of the offered training programs are not directed toward the educational assistants.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 445, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1082 Finance on H.R. No. 153

The purpose of this resolution is to have the Department of Education conduct a feasibility study on the establishment of an intermediate school for the Makakilo-West Beach area.

The Department of Education has stated that Ilima Intermediate School has adequate capacity to accommodate any unanticipated growth problems in the Makakilo-West Beach community. However, the traveling distance between Ilima Intermediate School and the Makakilo-West Beach area is approximately six miles, and this distance causes some problems for the community members. Your Committee finds that the Makakilo-West Beach community is a relatively new community with an increasing population and warrants such a feasibility study.

Your Committee has amended this resolution by changing the reporting date.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 153, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 153, H.D. 1.

Signed by all members of the Committee.

SCRep. 1083 Finance on H.R. No. 432

The purpose of this resolution is to request the Hawaii County Department of Public Works, the Department of Transportation, the Department of Defense, and the Hawaii County Civil Defense Agency to analyze the adequacy of access routes for lower Puna and to make recommendations for correcting the present potentially dangerous situation.

Your Committee finds that residents of lower Puna depend solely on Pahoa Road for access into and out of their area, a road which is sometimes closed because of volcanic eruption or brush and forest fires. Your Committee believes that alternatives should be studied to provide dependable access to this area to ensure the safety and security of lower Puna residents and their property during times of emergency.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 432, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1084 Finance on H.R. No. 302

The purpose of this resolution is to request a report from the Juvenile Justice Interagency Board on its progress including recommendations for legislative action needed to further implement the Juvenile Justice System Master Plan.



The Juvenile Justice System Master Plan is intended to create an integrated relationship among the agencies and institutions that have juvenile justice responsibilities, alter responsibilities given to those agencies and institutions, establish clear authority for introducing new programs and maximize effective utilization of government and community resources.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 302, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1085 Finance on H.C.R. No. 110

The purpose of this concurrent resolution is to request a report from the Juvenile Justice Interagency Board on its progress including recommendations for legislative action needed to further implement the Juvenile Justice System Master Plan.

The Juvenile Justice System Master Plan is intended to create an integrated relationship among the agencies and institutions that have juvenile justice responsibilities, alter responsibilities given to those agencies and institutions, establish clear authority for introducing new programs and maximize effective utilization of government and community resources.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 110, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1086 Finance on H.C.R. No. 87

The purpose of this concurrent resolution is to request the State Department of Transportation to prepare an updated feasibility study for a second breakwater at Port Allen Harbor, Kauai, with the assistance of the U.S. Army Corps of Engineers. This study would also consider Port Allen's potential to accommodate some of the albacore fishing fleet and would include an analysis of the need for construction of additional facilities at Port Allen to accommodate fishing vessels.

A 1962 study recommended adding a second breakwater at Port Allen.

Your Committee on Finance is in accord with the intent and purpose of H.C.R. 87 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1087 Finance on S.C.R. No. 92

The purpose of this Concurrent Resolution is to request the Legislative Auditor to conduct a comprehensive study of Hawaii's participation in the Western Interstate Commission on Higher Education (WICHE) program.

Your Committee agrees that an objective study and assessment of Hawaii's participation in the WICHE program is necessary and appropriate. Since 1959 when the Legislature first adopted the Western Regional Education Compact (Act 253, SLH 1959), the University of Hawaii has grown rapidly into a major research institution with greatly expanded opportunities in postsecondary education.

The University of Hawaii system is currently conducting an evaluation of its progress in consideration of both the State's overall economic outlook and the need to ensure the perpetuation of quality and diversity in the state supported higher education program. Your Committee recognizes the need for a similar evaluation of the Hawaii program of the Western Interstate Commission on Higher Education.

Your Committee on Finance concurs with the intent and purpose of S.C.R. No. 92 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1088 Consumer Protection and Commerce on H.R. No. 293

The purpose of this resolution is to request the Hawaii Small Business Advisory Committee to coordinate, with input and assistance from the National Federation of Independent Business/Hawaii, Hawaii Business League, Small Business Association of Hawaii, Small Business Institute, and any other business organizations which the Advisory Committee may invite to participate, an inquiry through the polling of the members of these various organizations to specifically identify which state administrative agency rules the business community, particularly the small business community, considers to be unreasonably costly to or burdensome upon business generally, or disproportionately burdensome upon small businesses in Hawaii.

Testimony in favor of the resolution was given by the Hawaii Business League, the National Federation of Independent Business, the Small Business Association of Hawaii, and the Small Business Council of the Chamber of Commerce of Hawaii.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 293 and recommends that it be adopted.

Signed by all members of the Committee.

SCRep. 1089 Education on H.R. No. 116

The purpose of this resolution is to have the Department of Education conduct a study on the feasibility of establishing a separate school solely for children who are gifted and talented in the performing or visual arts.

Your Committee finds that the Department of Education is currently providing accelerated instruction and enrichment of courses in the performing or visual arts. However, this type of instruction may not be the best for fully developing the skills and potential of these students, since this type of instruction does not offer a concentrated curricula in the arts.

Your Committee on Education concurs with the intent and purpose of H.R. No. 116 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1090 Education on H.C.R. No. 50

The purpose of this concurrent resolution is to have the Department of Education conduct a study on the feasibility of establishing a separate school solely for children who are gifted and talented in the performing or visual arts.

Your Committee finds that the Department of Education is currently providing accelerated instruction and enrichment of courses in the performing or visual arts. However, this type of instruction may not be the best for fully developing the skills and potential of these students, since this type of instruction does not offer a concentrated curricula in the arts.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 50 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1091 Education on H.R. No. 488

The purpose of this resolution is to have the Department of Education's Office of Library Services establish a public library portastucture facility in the Moanalua-Salt Lake area.

Your Committee finds that nearly 45,000 Moanalua-Salt Lake residents are receiving public library services through a Pearl City bookmobile, which visits their community once every three weeks. This causes many inconveniences to those who wish to utilize the public library services by having to drive further to another public library, or having to wait three weeks for the bookmobile to return.

The Department of Accounting and General Services has conducted a feasibility study to determine a site for the new Moanalua-Salt Lake Community Library and found that the best identified site is owned by the United States government and has been put on the surplus lands list by the Department of Defense. The Federal Property and Administrative Service Act of 1949 requires that federal lands found to be in excess of need, be placed on the surplus lands list maintained by the U.S. General Services Administration. Under this act, surplus lands can be given to state and county government for public needs, such as a community library. However, it will take at least one to two years before the land itself will be available to the State of Hawaii, Department of Education, and the Office of Library Services.

Your Committee has amended this resolution to delete the request that the State Librarian report to the Legislature on the Office of Library Services' progress in establishing the library portastucture twenty days prior to the convening of the Regular Session of 1984.

Your Committee on Education concurs with the intent and purpose of H.R. No. 488 as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 488, H.D. 1.

Signed by all members of the Committee except Representative Jones.

SCRep. 1092      Education on H.C.R. No. 187

The purpose of this concurrent resolution is to have the Department of Education's Office of Library Services establish a public library portastucture facility in the Moanalua-Salt Lake area.

Your Committee finds that nearly 45,000 Moanalua-Salt Lake residents are receiving public library services through a Pearl City bookmobile, which visits their community once every three weeks. This causes many inconveniences to those who wish to utilize the public library services by having to drive further to another public library, or having to wait three weeks for the bookmobile to return.

The Department of Accounting and General Services has conducted a feasibility study to determine a site for the new Moanalua-Salt Lake Community Library and found that the best identified site is owned by the United States government and has been put on the surplus lands list by the Department of Defense. The Federal Property and Administrative Service Act of 1949 requires that federal lands found to be in excess of need, be placed on the surplus lands list maintained by the U.S. General Services Administration. Under this act, surplus lands can be given to state and county government for public needs, such as a community library. However, it will take at least one to two years before the land itself will be available to the State of Hawaii, Department of Education, and the Office of Library Services.

Your Committee has amended this concurrent resolution to delete the request that the State Librarian report to the Legislature on the Office of Library Services' progress in establishing the library portastucture twenty days prior to the convening of the Regular Session of 1984.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 187, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 187, H.D. 1.

Signed by all members of the Committee except Representative Jones.

SCRep. 1093      Education and Water, Land Use, Development and Hawaiian Affairs  
on H.R. No. 495

The purpose of this resolution is to urge the United States Navy to expedite the processing of administrative steps to declare the site at Salt Lake Boulevard and Arizona Road, Salt Lake, Oahu, tax map key 1-1-10: portion of 4, as excess to it's needs. This resolution further requests that the United States General Services Administration be urged to declare the site at Salt Lake as surplus, and arrange to convey the land to the State of Hawaii on mutually agreeable terms under the Federal Property and Administrative Service Act of 1949 for the development of the Salt Lake-Moanalua Community Library.

Your Committees find that the optimum site selected by the Department of Accounting and General Services is on the surplus lands list of the Department of Defense. The

Federal Property and Administrative Service Act of 1949 requires that federal lands found to be in excess of need be placed on the surplus lands list maintained by the United States General Services Administration. Under this act, surplus lands can be given to state and county governments for public needs, such as a community library. However, this process normally requires at least one to two years before the land itself is made available to the state or county governments.

Your Committees on Education and Water, Land Use, Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 495 and recommend its adoption.

Signed by all members of the Committees except Representatives Crozier and Say.

SCRep. 1094      Education and Water, Land Use, Development and Hawaiian Affairs  
on H.C.R. No. 191

The purpose of this concurrent resolution is to urge the United States Navy to expedite the processing of administrative steps to declare the site at Salt Lake Boulevard and Arizona Road, Salt Lake, Oahu, tax map key 1-1-10: portion of 4, as excess to its needs. This concurrent resolution further requests that the United States General Services Administration be urged to declare the site at Salt Lake as surplus, and arrange to convey the land to the State of Hawaii on mutually agreeable terms under the Federal Property and Administrative Service Act of 1949 for the development of the Salt Lake-Moanalua Community Library.

Your Committees find that the optimum site selected by the Department of Accounting and General Services is on the surplus lands list of the Department of Defense. The Federal Property and Administrative Service Act of 1949 requires that federal lands found to be in excess of need be placed on the surplus lands list maintained by the United States General Services Administration. Under this act, surplus lands can be given to state and county governments for public needs, such as a community library. However, this process normally requires at least one to two years before the land itself is made available to the state or county governments.

Your Committees on Education and Water, Land Use, Development and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 191 and recommend its adoption.

Signed by all members of the Committees except Representative Crozier.

SCRep. 1095      Higher Education and the Arts on H.C.R. No. 186

The purpose of this concurrent resolution is to request that the Legislative Auditor conduct a management audit of the Research Corporation of the University of Hawaii and submit its report to the Legislature at least twenty days before the start of the Regular Session of 1984.

By Act 209, Session Laws of Hawaii 1965, the Research Corporation of the University of Hawaii was established as a body corporate and a public instrumentality of the State to promote educational, scientific, and literary pursuits by encouraging, initiating, and conducting scientific investigations and research by furnishing the means, methods, and agencies by which investigation, research, and study may be conducted. In its eighteen years of existence, there has been no management audit by the Legislative Auditor. Your Committee believes it is now timely and appropriate that such a study be conducted.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of House Concurrent Resolution No. 186, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1096      Water, Land Use, Development and Hawaiian Affairs on H.C.R.  
No. 108

The purpose of this Concurrent Resolution is to establish the Legislature's concurrence that Executive Order No. 1446 be amended in a manner which will terminate the use of state lands in Waikiki for the Natatorium and will further provide for these lands

to be used only as a Memorial Park. The amendment, however, is to be made only after it has been determined that the Natatorium is to be filled in and the site landscaped.

Executive Order No. 1446 was executed on June 14, 1951 by Governor Oren E. Long. It set aside the area of the Waikiki War Memorial Park and Natatorium for these purposes. Your Committee finds that the Natatorium no longer serves a valid public purpose and constitutes a hazard to the health, safety, and welfare of the general public. Therefore, your Committee is in agreement that the amendment to the Executive Order is a logical and necessary step to any further alteration of the lawful use of the Natatorium site.

It should be noted that this Concurrent Resolution is related to and should be read in conjunction with House Concurrent Resolution No. 78 which requests the City and County of Honolulu to develop the present Waikiki War Memorial Natatorium into a Waikiki War Memorial Park.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 108 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1097      Consumer Protection and Commerce and Transportation on S.C.R.  
No. 49

The purpose of this concurrent resolution is to request the Legislative Auditor, with the cooperation of the Departments of Commerce and Consumer Affairs and Transportation, to conduct an audit of the Harbor Pilots Association and the Hawaii Pilot Boat Service, Inc. and to review the implementation and administration of the pilotage law.

Your Committees find that Act 231, Session Laws of 1978, which established a State pilotage system whereby harbor pilots are private contractors and not civil servants, has been in effect for five years. Your Committees further find that in light of recent increases in pilotage rates and further proposed increases in such rates, it is appropriate that there be an audit of the Harbor Pilots Association and the Hawaii Pilot Boat Service, Inc..

Your Committees received testimony from the Department of Commerce and Consumer Affairs noting that the Board of Pilot Commissioners is the only State board empowered by law to adopt rules setting rates for the profession they regulate. Your Committees find that this situation should be reviewed in the study called for by this resolution but find that the present language of the resolution is broad enough to include such a review.

Your Committees on Consumer Protection and Commerce and Transportation concur with the intent and purpose of S.C.R. No. 49, S.D. 1, and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representative Medeiros.

SCRep. 1098      Human Services on H.C.R. No. 93

The purpose of this concurrent resolution is to request legislative adoption of a state long-term care policy.

Your Committee received a considerable amount of testimony all in support of this concurrent resolution. Your Committee finds that the State supports a range of long-term care services, but a policy is needed to provide direction in developing programs, setting priorities, and allocating resources. Such a policy establishing general guidelines would be helpful to the various departments and agencies involved in promoting the development of long-term care services to the elderly.

Your Committee agrees that this concurrent resolution is important because it represents a comprehensive policy statement relating to long-term care for the disabled and impaired elderly population. Furthermore, it is a significant and necessary step in meeting the challenges of the long-term care needs of Hawaii's elderly.

In consideration of the testimony received, your Committee has amended this concurrent resolution as follows:

(1) Adding a policy statement to recognize institutional care as an important part of the continuum of long-term care services for the disabled elderly.

(2) Specifying the Executive Office on Aging (EOA) as the designated oversight State agency responsible for all matters pertaining to aging, including long-term care for the functionally impaired elderly.

(3) Specifying the Department of Social Services and Housing (DSSH) as the designated lead agency under the federally-funded Long-Term Care Channeling Demonstration Project committed to developing a Long-Term Care Plan for the State under the guidance of the Long-Term Care Planning Group.

(4) Asserting that the EOA should be designated the lead agency by statute, following the development and approval of the Long-Term Care Plan.

(5) Requesting the DSSH to complete the Long-Term Care Plan for the State and submit a draft to the Legislature for review and approval 30 days prior to the Regular Session of 1984. Furthermore, the DSSH is requested to consider all aspects of the goals and policies contained in the concurrent resolution in the development of the State Long-Term Care Plan.

Your Committee has also made other technical non-substantive amendments for purposes of style and clarity.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 93, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto, as H.C.R. No. 93, H.D. 1.

Signed by all members of the Committee.

SCRep. 1099      Employment Opportunities and Labor Relations on S.C.R. No. 61

The purpose of this resolution is to request the President of the Senate and the Speaker of the House of Representatives to arrange for a wide-ranging study of the workers' compensation program by the Legislative Auditor, which will examine all aspects of the program and make recommendations to the most desirable alternatives based on low cost to employers, adequate profitability to the insurance industry, and assurance that injured workers or their dependents are provided fair and reasonable income and indemnity benefits.

Your Committee, after hearing testimonies from the Department of Labor and Industrial Relations and the Insurance Commission of the Department of Commerce and Consumer Affairs, finds that these parties recognize the urgent need to address the workers' compensation issue and are in support of a comprehensive study.

Your Committee has amended this concurrent resolution to provide for the transmittal of copies to the Director of Labor and the Insurance Commissioner.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of S.C.R. No. 61, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 61, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representative Albano.

SCRep. 1100      Employment Opportunities and Labor Relations on S.C.R. No. 119

The purpose of this resolution is to recognize professional secretaries for their continuing contributions to the work of the public and private sectors.

Your Committee finds secretaries indeed are worthy and do warrant recognition for their technical skills, knowledge and decision making abilities. Secretaries permit government and private enterprise to better meet the needs of the work-place and the demands of society.

The State recognition, as is indicated in the resolution, is intended to coincide with the observance of the National Secretaries Association sponsored Professional Secretaries Week. Timely passage is essential for this reason.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of S.C.R. No. 119 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1101      Transportation on S.C.R. No. 47

The purpose of this concurrent resolution, as received by your Committee, is to request that the Federal Departments of Defense and Transportation give special consideration to and use due care in evaluating all military airfields on Oahu for possible joint military and civilian use, and to include their findings in their report to Congress due in September 1983.

Your Committee finds that joint civilian and military use of a military airport on Oahu presents the most feasible and economical solution to relieving the potentially dangerous air traffic congestion at Honolulu International Airport. The Congress has recognized the benefits of joint use of military airports and has directed the Federal Departments of Defense and Transportation to submit a plan to Congress by September 1983 for making domestic military airfields available for joint military and civilian use. Your Committee therefore strongly urges the Federal Departments of Defense and Transportation to recommend joint use.

Your Committee on Transportation is in accord with the intent and purpose of S.C.R. No. 47, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Medeiros.

SCRep. 1102      Water, Land Use, Development and Hawaiian Affairs on H.C.R.  
No. 77

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to rename the Sand Island State Park as the Hawaii Veterans Memorial State Park.

Your Committee is in agreement that it would be a fitting redesignation of the Sand Island State Park. However, your Committee is of the opinion that the present name should not be eliminated in order to satisfy the needs of one group in support of this concurrent resolution, and at the same to remove the obviously geographic and popularly accepted designation basis of the present name. Therefore, your Committee recommends that the redesignation be the "Sand Island-Hawaii Veterans Memorial State Park". Such amendment has been made to the title of the concurrent resolution and to the "BE IT RESOLVED" clause.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 77, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 77, H.D. 1.

Signed by all members of the Committee.

SCRep. 1103      Human Services on S.C.R. No. 39

The purpose of this concurrent resolution is to request legislative adoption of a state long-term care policy.

Your Committee finds that the State supports a range of long-term care services, but a policy is needed to provide direction in developing programs, setting priorities, and allocating resources. Such a policy establishing general guidelines would be helpful to the various departments and agencies involved in promoting the development of long-term care services to the elderly.

Your Committee agrees that this concurrent resolution is important because it represents a comprehensive policy statement relating to long-term care for the disabled and impaired elderly population. Furthermore, it is a significant and necessary step in meeting the challenges of the long-term care needs of Hawaii's elderly.

It is the considered opinion of your Committee that (1) the responsibility of the Executive Office on Aging (EOA) for all matters pertaining to aging includes responsibility for long-

term care for the functionally impaired elderly; (2) the Department of Social Services and Housing (DSSH) should be recognized as the lead agency under the Long-Term Care Channeling Demonstration Project to develop a Long-Term Care Plan for the State; and (3) the DSSH should complete a comprehensive Long-Term Care Plan which would provide better guidance for statewide efforts in long-term care than would the informational documents requested in S.C.R. No. 39, S.D. 1. Accordingly, your Committee has amended this concurrent resolution to:

- (1) Specify the Executive Office on Aging (EOA) as the designated oversight State agency responsible for all matters pertaining to aging, including long-term care for the functionally impaired elderly.
- (2) Specify the Department of Social Services and Housing (DSSH) as the designated lead agency under the federally-funded Long-Term Care Channeling Demonstration Project committed to developing a Long-Term Care Plan for the State under the guidance of the Long-Term Care Planning Group.
- (3) Assert as a matter of policy that the EOA should be designated as the lead agency by statute, following the development and approval of the Long-Term Care Plan.
- (4) Request the DSSH to complete the Long-Term Care Plan for the State and submit a draft to the Legislature for review and approval 30 days prior to the Regular Session of 1984. Furthermore, the DSSH is requested to consider all aspects of the goals and policies contained in the concurrent resolution in the development of the State Long-Term Care Plan.

Your Committee has further amended this concurrent resolution by deleting those provisions which conflict with the aforementioned amendments.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 39, 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. 39, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1104 Higher Education and the Arts on H.R. No. 505

The purpose of this resolution is to request the Comptroller of the State of Hawaii, in coordination with the State Foundation on Culture and the Arts, to determine adequate space requirements for the storage, maintenance, care, and restoration of state-owned artwork, to then make specific recommendations for available sites, and to report such findings and recommendations to the Legislature ten days before the start of the Regular Session of 1984.

The State Foundation on Culture and the Arts, which is under the jurisdiction of the State Department of Accounting and General Services, administers the Art in Public Places Program through which works of art by local artists are purchased or commissioned to be made available for display in all state agencies. Maintenance of these Relocatable Works of Art involves documentation, preparation for shipping and installing artwork in new locations, and interim storage at the SFCA office.

At present the SFCA utilizes one room (120 square feet) that adjoins a vault (180 square feet) to store paintings of all sizes as well as packing and crating materials, tools, chemicals and supplies; larger size crates and packing materials are stored in a 190-square foot room in the basement level of the building. This floor area amounts to 490 square feet, not including a public corridor outside its office which the SFCA uses to pack and crate works of art and to do repair and maintenance work.

In discussion, the SFCA informed your Committee that maintenance of state-owned artwork could be better carried out if all operations were conducted in a single 1,000-square foot working area. The storage portion would need to be renovated to include an air conditioner and dehumidifier. It was also brought to the attention of your Committee that the makai wing on the second floor of the Old Federal Building (where SFCA offices are located) now stands vacant.

Your Committee, therefore, is amending paragraphs 1 and 2 of this resolution to specifically direct the Comptroller of DAGS to investigate the possibility of assigning this space to the SFCA for its use in consolidation of maintenance activities in the care of state-owned artwork and also investigate the logistics and cost factor of renovating



a portion of this space for storage with the installation of an air conditioner and dehumidifier.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of this resolution as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 505, H.D. 1.

Signed by all members of the Committee except Representative Leong.

SCRep. 1105 Higher Education and the Arts on H.C.R. No. 195

The purpose of this resolution is to request the Comptroller of the State of Hawaii, in coordination with the State Foundation on Culture and the Arts, to determine adequate space requirements for the storage, maintenance, care, and restoration of state-owned artwork, to then make specific recommendations for available sites, and to report such findings and recommendations to the Legislature ten days before the start of the Regular Session of 1984.

The State Foundation on Culture and the Arts, which is under the jurisdiction of the State Department of Accounting and General Services, administers the Art in Public Places Program through which works of art by local artists are purchased or commissioned to be made available for display in all state agencies. Maintenance of these Relocatable Works of Art involves documentation, preparation for shipping and installing artwork in new locations, and interim storage at the SFCA office.

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In discussion, the SFCA informed your Committee that maintenance of state-owned artwork could be better carried out if all operations were conducted in a single 1,000-square foot working area. The storage portion would need to be renovated to include an air conditioner and dehumidifier. It was also brought to the attention of your Committee that the makai wing on the second floor of the Old Federal Building (where SFCA offices are located) now stands vacant.

Your Committee, therefore, is amending paragraphs 1 and 2 of this resolution to specifically direct the Comptroller of DAGS to investigate the possibility of assigning this space to the SFCA for its use in consolidation of maintenance activities in the care of state-owned artwork and also investigate the logistics and cost factor of renovating a portion of this space for storage with the installation of an air conditioner and dehumidifier.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of this resolution as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 195, H.D. 1.

Signed by all members of the Committee except Representative Leong.

SCRep. 1106 Finance on S.B. No. 891

This bill appropriates \$321,786 in general revenues for the payment of a negotiated settlement between the Research Corporation of the University of Hawaii and Hawaiian Dredging and Construction Company on claims for cost overruns incurred in construction related to the development of an Ocean Thermal Conversion Plant, commonly known as "Mini-OTEC".

On August 2, 1978, the State of Hawaii, Dillingham Corporation, and Lockheed Missiles and Space Company entered into a "cooperative research agreement for a Mini-OTEC demonstration project." Pursuant to this agreement, the Research Corporation of the University of Hawaii (RCUH) agreed to provide management services for the project. RCUH, in turn, contracted with Dillingham, doing business as Hawaiian Dredging and Construction Company, for construction of the project.

Originally, the State's share of the project was \$565,000. By early 1979, however,

the State had approved an additional \$300,000 for the project, bringing the approved total to \$865,000. Still, by the time the contract had expired on November 1, 1979, Dillingham had incurred cost overruns in the amount of \$411,644.64.

The Mini-OTEC project was successfully operated for two-and-one-half months before it was returned to the University's Snug Harbor Facility in November 1979.

To recover the unanticipated cost overruns, Dillingham and the State, through RCUH, entered into negotiations, as called for under the terms of the cooperative research agreement relating to dispute resolution. The parties to the negotiation agreed that the sum of \$321,786 represents a fair and equitable reimbursement to Dillingham Corporation for the cost overruns.

The Department of Planning and Economic Development and the Attorney General have reviewed and evaluated the claims and procedures employed in reaching the settlement figure and have recommended that it be agreed to as being in the best interests of the State.

Your Committee agrees that Dillingham presented a valid claim for reimbursement, has legal and equitable grounds for such reimbursement, and that it is in the best interest of the State that the negotiated settlement amount be paid.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 891, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1107      Education on H.R. No. 402

The purpose of the resolution is to request the Department of Education to require all schools to hold an annual community meeting during the first quarter of the calendar year.

Your Committee has made technical amendments to this resolution.

Your Committee on Education concurs with the intent and purpose of H.R. No. 402, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 402, H.D. 1.

Signed by all members of the Committee.

SCRep. 1108      Consumer Protection and Commerce on H.R. No. 492

The purpose of this resolution is to express legislative support for Hawaii Floorcovering Week to be held September 15-21, 1983, and urge active participation of all floorcovering suppliers, manufacturers, dealers, contractors, and their employees in the week's activities.

Your Committee recognizes the importance of floorcoverings to its residents and millions of tourists who visit this State each year. The floorcovering industry is composed primarily of residents and provides many job and career opportunities. Testimony from the Hawaii Flooring Association was submitted in support of this resolution. The Association stated that adoption of this resolution would acknowledge the dedicated efforts and expertise possessed by floorcovering workers, and act as a stimulus to consumer knowledge of products provided by the flooring industry.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 492 and recommends its adoption.

Signed by all members of the Committee except Representative Hayes.

SCRep. 1109      Consumer Protection and Commerce on H.C.R. No. 189

The purpose of this concurrent resolution is to express legislative support for Hawaii Floorcovering Week to be held September 15-21, 1983, and urge active participation of all floorcovering suppliers, manufacturers, dealers, contractors, and their employees in the week's activities.

Your Committee recognizes the importance of floorcoverings to its residents and millions of tourists who visit this State each year. The floorcovering industry is composed primarily of residents and provides many job and career opportunities. Testimony from the Hawaii Flooring Association was submitted in support of this concurrent resolution. The Association stated that adoption of this concurrent resolution would acknowledge the dedicated efforts and expertise possessed by floorcovering workers, and act as a stimulus to consumer knowledge of products provided by the flooring industry.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 189 and recommends its adoption.

Signed by all members of the Committee except Representative Hayes.

SCRep. 1110      Finance on H.R. No. 17

The purpose of this resolution as received by your Committee is to request the Department of Personnel Services to study the feasibility of establishing a state permanent, part-time phased retirement program for the elderly.

Older workers are a valuable resource in our society and it is in the best interest of the State to strive to retain, hire, and promote older workers.

Your Committee agrees that this resolution is a positive action to ensure equal employment opportunities for older workers who wish to "phase out" gradually rather than bring an abrupt end to their careers.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 17, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Grauly.

SCRep. 1111      Finance on H.R. No. 311

The purpose of this resolution is to request the Department of Health to review all current laboratory procedures to determine their public health significance; to define the term "public health significance" in order to eliminate some laboratory tests and to add new or alternate tests and methods if necessary; to establish a timely fee schedule where appropriate; and to adjust statutes, rules and regulations accordingly.

Your Committee finds that the laboratories branch of the medical health services division, Department of Health, is performing tests of questionable public health significance, at the request of physicians in private practice. The department has the legal authority to charge fees for such services, but does not. Also, there are adequate private laboratories in the state able to perform the tests required by private physicians.

This resolution attempts to improve the public health and the cost effectiveness of the laboratory branch of the department. Your Committee finds that the department has already begun this process through its laboratory function review panel. It is the intent of this resolution that the department complete this process and report its findings and recommendations to the Legislature 20 days before the convening of the 1984 Regular Session.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 311 and recommends its adoption.

Signed by all members of the Committee except Representatives Bunda, Grauly, Souki and Anderson.

SCRep. 1112      Finance on H.R. No. 322

The purpose of this resolution is to have the Department of Education prepare for year-round education at the Hawaii Youth Correctional Facility (HYCF), and to compare the costs of such a program with an alternative program to be administered by a private agency. This resolution further requests that the Department of Education provide a detailed report which shall include, but not be limited to the teaching methods, counseling provided, and test scores of the detainees at the HYCF.

Your Committee finds that the Department of Education is in full agreement of the need to upgrade the instructional programs and practices at the HYCF. The juvenile offenders are generally low achievers in school with low reading levels and often receive less formal education than students attending regular schools. Your Committee feels that an expanded education program is needed at HYCF to rehabilitate juvenile offenders and to assist them when mainstreamed back into the public school system. The juveniles incarcerated in the HYCF are in a unique situation, therefore, the Department of Education should offer a creative educational program to accommodate these juveniles and provide quality basic education. The Department of Education has further indicated that different teaching and learning approaches should be addressed to alleviate the problem of a limited educational curriculum at the HYCF.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 322, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Grauly.

SCRep. 1113 Finance on H.R. No. 49

The purpose of this resolution is to request the Department of Agriculture to explore the feasibility of establishing a revolving fund to assist major agricultural industries during economic emergencies.

Your Committee agrees with the findings of the Committee on Agriculture and supports its amendments.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 49, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Bunda, Grauly, Souki and Anderson.

SCRep. 1114 Finance on H.R. No. 19

The purpose of this resolution is to request the Legislative Reference Bureau to examine the feasibility of allowing elderly persons with low incomes to use the equity in their homes to obtain health and social services, financial payments, or both, from the state.

Your Committee finds that this resolution offers a promising approach to utilizing the existing equity available to low income elderly homeowners for services or financial aid provided by third parties. The two programs cited in this resolution, the Musashino Plan and the Home Equity Living Plan, are examples of recent programs which could serve as a model for Hawaii.

Your Committee agrees that the study requested by this resolution would determine whether a similar program would be feasible and beneficial for Hawaii's low income elderly homeowners.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 19, H.D. 1 and recommends its adoption.

Signed by all members of the Committee except Representatives Bunda, Grauly, Souki and Anderson.

SCRep. 1115 Finance on H.R. No. 52

The purpose of this resolution is to support the continuing development of agricultural education, particularly the Hawaii Future Farmers of America Program and the University of Hawaii's New/Young Farmer Program, and to support continued commitment of financial resources to these programs.

Your Committee received testimony supporting this measure from the Department of Education (Office of Instructional Services), the Department of Labor and Industrial Relations (State Commission on Manpower and Full Employment), and the College of Tropical Agriculture and Human Resources.

Your Committee believes that agricultural education organizations such as the Future Farmers of America and the University of Hawaii's New/Young Farmer Program deserve continued financial support because they have provided Hawaii's youth with the opportunity to learn agricultural as well as leadership and organizational skills.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 52 and recommends its adoption.

Signed by all members of the Committee except Representative Grauly.

SCRep. 1116      Finance on H.R. No. 268

The purpose of this resolution is to request the Department of Health to examine its proposed rules regarding long-term care facilities.

Your Committee finds that due to the current depressed state of the economy and fiscal constraints, the health care delivery system is in a precarious financial position. The addition of a burdensome and unreasonable set of regulations detracts from the delivery of quality health services and imposes an additional financial burden on both the provider and the State.

The Department submitted testimony indicating it will examine its proposed rules carefully to eliminate or reduce the severity of rules which do not appreciably protect the health of patients in these facilities, while maintaining federal certification standards.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 268, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Bunda, Grauly, Souki and Anderson.

SCRep. 1117      Finance on H.R. No. 304

The purpose of this resolution is to request the Office of the Legislative Reference Bureau to conduct, in consultation with other agencies in the criminal justice system: (1) a comprehensive study including a review of legislation introduced in the Regular Session of 1983 relating to victims and witnesses of crimes; (2) a study of the problems victims and witnesses encounter in understanding the criminal justice system, including whether they are receiving adequate notice of the status of their cases; and (3) a determination of what the State's policies should be regarding victims and witnesses of crimes. The Office of the Legislative Reference Bureau is to report its findings and recommendations to the Legislature twenty days before the convening of the Regular Session of 1984. A certified copy of this resolution is to be transmitted to the Director of the Office of the Legislative Reference Bureau.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 304 and recommends its adoption.

Signed by all members of the Committee except Representative Grauly.

SCRep. 1118      Finance on H.R. No. 151

The purpose of this resolution is to request the Department of Education to undertake a comprehensive study of selected programs which supplement regular instruction.

Your Committee finds that the increase in the number of specialized programs currently budgeted under EDN 106, Other Regular Instruction, and thus targeted to regular education students, is becoming a source of concern. That concern is over the cost-effectiveness of these specialized programs inasmuch as some teachers feel that reduced class sizes would be a preferable and viable option. Before any serious moves are made to reduce class sizes, however, your Committee believes that these specialized programs need to be thoroughly evaluated and their worthiness established or disproved.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 151, H.D. 1 and recommends its adoption.

Signed by all members of the Committee except Representative Grauly.

SCRep. 1119 Finance on H.R. No. 393

The purpose of this resolution is to request the Legislative Reference Bureau to comprehensively examine conflicting powers and responsibilities for education among the Board of Education, the Governor, the Superintendent, and the Legislature and to assess various alternative means of governance.

While the Board of Education supports the examination of jurisdictional conflicts, it does not support an analysis of alternatives to an elected board.

Your Committee disagrees with limiting the proposed study. Rather, your Committee believes that a narrowly focused study would be meaningless; the efforts of the Legislative Reference Bureau would be much more useful to the Legislature if the entire array of alternatives, including alternatives to an elected board, were to be examined.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 393, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Graulty.

SCRep. 1120 Finance on H.R. No. 434

The purpose of this resolution is to request the State Health Planning and Development Agency to study methods of controlling hospital costs. Methods to be studied include the possible creation of a Hawaii Health Care Cost Review Authority, and others itemized in the resolution. It is the intent of this resolution that the study be conducted by a committee of nine to 17 representatives of the health care industry as well as beneficiaries of services throughout the State and that their findings be submitted to the Legislature 30 days before the convening of the 1984 Regular Session.

Your Committee finds that unreasonable increases in hospital and health facilities costs must be controlled; left unchecked they will continue to endanger the health of citizens and the State's ability to help individuals while maintaining other services at a desirable level.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 434 and recommends its adoption.

Signed by all members of the Committee except Representative Graulty.

SCRep. 1121 Finance on H.R. No. 406

The purpose of this resolution is to request the Department of Land and Natural Resources to negotiate with Parker Ranch for an exchange of State land and ranch land to the southeast of the Waimea-Kohala Airport for the purpose of developing a water storage facility.

According to testimony, there is presently a lack of sufficient reservoir capacity to store water during rainy seasons to be used during dry spells to service domestic and agricultural needs. The Hawaii County Council approved a resolution on March 2, 1983 calling for a similar intent and purpose of this resolution. Moreover, it appears that tentative agreement has been obtained by Parker Ranch trustees for centralizing water storage by means of a land exchange with the State.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 406, H.D. 1 and recommends its adoption.

Signed by all members of the Committee except Representative Graulty.

SCRep. 1122 Finance on H.R. No. 53

The purpose of this resolution is to request the Governor's Agriculture Coordinating Committee to include the possible establishment of consolidated storage and distribution facilities in its ongoing studies of agricultural transportation systems.

Your Committee finds that the Governor's Agriculture Coordinating Committee (GACC) has already established a transportation subcommittee composed of members from the Department of Agriculture and the Department of Transportation to investigate the total

agricultural transportation system in the State. Your Committee therefore finds that the intent of this measure could be accomplished by requesting GACC to incorporate, as part of its on-going investigation, the feasibility of establishing consolidated storage and distribution facilities.

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 except Representatives Bunda and Graulty.

SCRep. 1123      Agriculture on S.C.R. No. 107

The purpose of this concurrent resolution is to request that the Department of Health consider the adoption of a rule to require stamping the processed and pull dates on each carton of milk.

Currently, the date stamped on the cartons of milk indicates the date on which the cartons must be removed from the shelf. Your Committee finds that including the processed date on each milk carton would provide consumers with a clearer indication relative to the freshness of the product than with the pull date alone.

Your Committee finds that the intent of this measure would be served by stamping both the pull date and processing date on each carton of milk without prescribing a uniform pull date. A study and subsequent report by the Department of Health regarding uniform shelf life for milk is not required at this time. Your Committee has, therefore, amended this measure by deleting the first "BE IT FURTHER RESOLVED" clause on page 2.

Your Committee has also amended this measure by making some technical, nonsubstantive changes for purposes of style and clarity.

Your Committee on Agriculture concurs with the intent and purpose of S.C.R. No. 107, 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. 107, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representative Bunda.

SCRep. 1124      Agriculture on S.C.R. No. 82

The purpose of this concurrent resolution is to urge the Environmental Protection Agency and the Hawaii State Department of Health to relax the effluent quality standards for the Hilo-Hamakua Coast sugar industry.

Your Committee finds that the sugar cane farmers and processors on the Hilo-Hamakua Coast provide jobs for about 6,000 people directly and indirectly; that these industries have sustained heavy financial losses in 1981 and 1982 and are continuing to sustain heavy financial losses; and that due to these losses, the farmers and processors are now struggling for survival. Your Committee recognizes that the sugar industry must be maintained if the communities in the area are to be maintained.

Your Committee finds that with regard to the Hilo-Hamakua Coast, the soil disposal requirements set for sugar cane farmers and processors by the United States Environmental Protection Agency are tremendously costly compared to the benefits derived by their enforcement.

Your Committee on Agriculture concurs with the intent and purpose of S.C.R. No. 82 and recommends its adoption.

Signed by all members of the Committee.