

SCRep. 611-84 Human Services on H.R. No. 79

The purpose of this resolution, as received by your Committee, is to request the Executive Office on Aging to conduct a study of the proposed location and services of a continence clinic for persons who have problems with urinary incontinence.

Your Committee finds that incontinence, both urinary and bowel, is a problem increasingly suffered among Hawaii's elderly due to the growth in the number of our elderly population. Further, your Committee finds that incontinence, by itself, can cause, perhaps prematurely, the institutionalization of elderly persons. As part of its emphasis on community-based care and minimizing the need for institutionalization, your Committee believes that the diagnosis and treatment of incontinence merits serious attention by the State.

In the public hearing on this resolution, testimony was received from the Kualini Medical Center indicating that it already has a project underway to study and diagnose persons suffering from incontinence. Your Committee has therefore amended this resolution by changing its purpose to requesting the Executive office on Aging to estimate the prevalence of incontinence among Hawaii's elderly, including the number of persons who may need treatment, and to request a description of services to treat incontinence which are now available in the State. The title of the resolution has been amended accordingly. Other amendments include the addition of a "Whereas" clause describing Kuakini's recently funded project relating to incontinence, the inclusion of bowel incontinence as a condition that the resolution addresses, and numerous other organizational and wording changes for stylistic purposes and for clarity.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 79, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 79, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 612-84 Human Services on H.R. No. 116

The purpose of this resolution is to appoint a House interim committee to monitor the Department of Social Service and Housing's implementation of the Legislative Auditor's recommendations to improve the budget making process for public welfare programs.

Your Committee finds that the Legislative Auditor, pursuant to Act 1, SLH 1981 and Act 1, SLH 1982, conducted an analysis of the budget making process of the Department for the financial and medical assistance programs. The analysis, among other things, found that the Department did not formulate workable objectives and priorities to guide budgeting decision making and did not develop adequate information bases and related capabilities to provide reasonable projections of its budgetary requests.

The Legislative Auditor also specified that the Department had problems with its cost projections, which caused excessive appropriations for two financial assistance programs and large disparities between appropriations and actual expenditures.

Your Committee received favorable testimony from the Department of Social Services and Housing indicating their willingness to cooperate and work with the Committee. Your Committee agrees with the Department that the ultimate goal is to improve the budget making process within the Department's resources and capabilities.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 116 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representative Baker.

SCRep. 613-84 Human Services on H.R. No. 118

The purpose of this resolution is to request the Commission on the Handicapped to prepare a detailed estimate of the annual cost of providing all essential

interpreter services for hearing impaired persons who participate in any meeting involving State or county agencies.

Your Committee finds that hearing impairment is a handicap of language and communication. The State's hearing-impaired population is 60,000 and approximately 1,500-2,000 are profoundly deaf who require a sign language interpreter to communicate with the general public.

Your Committee finds that sign language interpreter services are an important means to enable hearing-impaired persons to participate fully in matters involving State or county agencies. Your Committee further finds that hearing-impaired services have been provided pursuant to Sec. 504 of the federal Vocational Rehabilitation Act of 1973, as amended. There is concern that interpreters be provided for matters involving agencies that do not receive federal funds.

Your Committee agrees that an estimate of the annual cost to the State for providing all essential interpreter services describing assumptions, methodology and cost breakdowns is imperative to determine the financial needs on an ongoing basis and to insure the long range effectiveness and success of this service.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 118 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Baker.

SCRep. 614-84 Consumer Protection and Commerce on H.R. No. 142

The purpose of this resolution is to request the Insurance Commissioner to study and review the current level of mandatory automobile insurance coverage prescribed by the Hawaii No-Fault Law in relation to the current costs of damage and loss caused by motor vehicle accidents.

The Hawaii Independent Insurance Agents Association testified in support of this measure.

The Insurance Commissioner supported the intent of this measure. The Commissioner believes, however, that since H.R. No. 142 requires the collection of data regarding current wage levels in the State of Hawaii and the fees charged by the health care industry, that such data would be more efficiently and appropriately gathered by the Legislative Auditor or the Legislative Reference Bureau.

Your Committee has upon further consideration, amended this measure as follows:

(1) amended the title to read, "REQUESTING A REVIEW OF THE MINIMUM LEVEL OF MANDATORY AUTOMOBILE INSURANCE."

(2) amended the "BE IT RESOLVED" and "BE IT FURTHER RESOLVED" clauses by replacing the Insurance Commissioner with the Legislative Auditor; and

(3) amending the "BE IT FURTHER RESOLVED" clause to require the Insurance Commission to review the report before it is submitted to the Legislature.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 142, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. 142, H.D. 1.

Signed by all members of the Committee.

SCRep. 615-84 Energy, Ecology and Environmental Protection and Health on H.C.R. No. 12

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.

Your Committees on Energy, Ecology and Environmental Protection and Health concur with the intent and purpose of H.C.R. No. 12, and recommend its adoption.

Signed by all members of the Committees except Representatives Bunda and Tam.

SCRep. 616-84 Finance on H.R. No. 108

The purpose of this Resolution is to request the Department of Land and Natural Resources to hold public meetings at or near Kawaihae Harbor to determine whether or not net fishing should be restricted in Kawaihae Harbor and nearshore waters of Kawaihae, Hawaii.

Your Committee finds that a present conflict exists between pole-and-line fishermen, who fish from Kawaihae Harbor and Puukohola Bay, and net fishermen, who also fish in the waters in the immediate vicinity. The conflict involves alleged intrusion by commercial fishermen into breakwaters of Kawaihae Harbor and shoreline areas of Puukohola Bay. This Resolution would address this concern by authorizing the Department of Land and Natural Resources to conduct meetings in the Kawaihae Harbor area to determine the advisability of restricting net fishing in a portion of the harbor and nearshore waters of Kawaihae, Hawaii, and further to coordinate with the Department of Transportation on appropriate actions to be taken.

Your Committee requests that the Department of Transportation cooperate with the Department of Land and Natural Resources in the development of administrative rules concerning net fishing within Kawaihae Harbor.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 108 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 617-84 Finance on H.R. No. 106

The purpose of this Resolution is to have the week beginning May 6, 1984, designated as Hawaii Correctional Officers Week, and to authorize and request the Governor of the State to issue a Proclamation calling upon the people of Hawaii to observe this week with appropriate ceremonies and activities.

Your Committee is in full support of praising the professionalism, courage and tenacity of Hawaii's correctional officers. Hawaii's correctional officers well deserve official recognition and acknowledgement.

Hawaii's adult and youth correctional officers are currently responsible for the containment and control of over 1,500 inmates and wards, and they perform an invaluable public service protecting the community from acts of crime and violence by convicted persons. Their duties also include the protection of inmates and assisting inmates in developing proper attitudes and skills which will enable them to become productive members of society following their release.

The United States Congress has passed a similar Resolution authorizing and requesting the President to issue a Proclamation designating the week beginning May 6, 1984, as "National Correctional Officers Week".

Your Committee has amended this bill to add the closing "BE IT FURTHER RESOLVED" clause and to make minor stylistic corrections.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 106, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 106, H.D. 1.

Signed by all members of the Committee.

SCRep. 618-84 Finance on H.R. No. 67

As received, the purpose of this Resolution was to request the Department of Planning and Economic Development to conduct a study on the need for and the feasibility of a convention center in the State which would be capable of accommodating conferences which cannot be handled by existing facilities, together with an analysis of alternative sites, as well as an analysis of methods of financing and management arrangements.

Your Committee finds that the convention market is a growing and profitable business segment which accounts for business spending nationwide of \$15 billion a year. This market is desirable for industry stability since conventions are typically scheduled well in advance and during the nonpeak seasons. Despite the increase of conventions held in Hawaii during the past ten years, Hawaii is prevented from becoming a leading convention city due in part to its lack of adequate facilities. Currently only two major hotels have ballrooms designed to handle conventions and the only other convention facility, the Neal Blaisdell Center, is in an inconvenient location and is often unavailable for conventions. These factors have culminated in a growing concern by the community over the need for another convention center.

Your Committee agrees that a feasibility study for a new convention center is desirable. However, your Committee believes that the search for alternative sites should not be limited to those in Waikiki but should include a search of neighbor island areas. Your Committee suggests that the study give full consideration to the size factor and the need for a large convention center. What may be reasonable and adequate for an all-purpose convention center, and whether or not such a center be a large facility, should be fully addressed by the study.

Your Committee has amended this Resolution by requesting that the Department of Commerce and Consumer Affairs contract with a private organization to conduct this study and by resolving that the study be paid for by the State and the private sector on a matching funds basis. Your Committee also amended this Resolution to include the Department of Auditoriums of the City and County of Honolulu as an additional consulting agency and to make other stylistic, non-substantive changes.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 67, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 67, H.D. 2.

Signed by all members of the Committee.

SCRep. 619-84 Finance on H.R. No. 65

The purpose of this Resolution is to request the Department of Planning and Economic Development to comprehensively evaluate the marketing research, information, visitor satisfaction, and other programs and services of the Hawaii Visitors Bureau.

Your Committee finds that, since its establishment in 1945, the Hawaii Visitors Bureau has been a major supportive organization for Hawaii's largest industry and the State has accordingly appropriated funds along with private business contributions and fees for its continued operation. Although occasional concerns have been expressed regarding the performance of HVB's regional offices and other aspects, no evaluation of the HVB has been conducted since a 1967 self-evaluation and a 1968 legislative audit. Due to the State's financial commitment and also with the coming term of a new HVB president, it seems timely to undertake a comprehensive evaluation of the HVB.

Your Committee has amended this Resolution to require that the Department of Planning and Economic Development seek contractual agreement with a private agency to conduct the study proposed by this Resolution.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 65, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 65, H.D. 1.

Signed by all members of the Committee.

SCRep. 620-84 Finance on H.C.R. No. 35

The purpose of this concurrent resolution is to request a status report from the Steering Committee for the Big Island Ocean Recreation and Tourism Project and a five-year plan for developing ocean recreation opportunities on the Big Island for residents and visitors from the Sea Grant Extension Service.

The Big Island's potential as a recreational retreat, especially in ocean-related activities, still remains a vast and untapped resource. The Steering Committee for the Big Island Ocean Recreation and Tourism Project is now in the process of setting developmental goals aimed toward the enhancement of recreational opportunities for residents and visitors alike. Your Committee finds that the development of a five-year plan for developing ocean recreation opportunities on the Big Island is desirable.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 35, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 621-84 Water, Land Use, Development and Hawaiian Affairs and State General Planning on S.B. No. 1707-84

The purpose of this bill is to amend Section 171-2, Hawaii Revised Statutes, by providing for an exclusion, in the definition of "public lands", those lands to which the Hawaii Community Development Authority in its corporate capacity holds title.

Currently, under Chapter 206E, Hawaii Revised Statutes, the Hawaii Community Development Authority is authorized to acquire, reacquire or contract to acquire or reacquire by grant or purchase, real, personal, or mixed property or any interest therein and to own, hold, clear, improve, rehabilitate, sell, assign, exchange, transfer, convey, encumber lease or otherwise dispose of the same.

This bill, by designating lands held by the Authority as an exception to the definition of "public lands", eliminates the necessity of approval by the Board of Land and Natural Resources of real estate transactions of the Authority.

Technical and non-substantive amendments have been made to conform with bill-drafting format.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and on State General Planning are in accord with the intent and purpose of S.B. No. 1707-84, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1707-84, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Baker and Morgado.

SCRep. 622-84 Water, Land Use, Development and Hawaiian Affairs and State General Planning on S.B. No. 2180-84 (Majority)

The purpose of this bill is to amend the Hawaii Coastal Zone Management Law, Chapter 205A, Hawaii Revised Statutes, relating to the administration of county special management area (SMA) permits, by adding to the existing exemptions for development within the special management area.

Specifically, the bill proposes four changes:

(1) On pages 4 and 5, in subsection 205A-22(3), paragraphs (B)(xii) to (B)(xiv), new exemptions to the definition of "development" in the SMA are proposed. These exemptions would not require a minor permit nor an SMA use permit. The counties, however, may exercise their discretion in requiring a permit for activities that are part of a larger development and which may cumulatively have impacts on the environment.

(2) On pages 5 and 6, in subsection 205A-22(5), the amendments provide for reconstruction of structures that were damaged by natural hazards, provided that

they were determined to be in compliance with the National Flood Insurance Program by the county authority. For these cases, an abbreviated system would allow for reconstruction work to proceed without delay.

(3) On page 6, in subsections 205A-22(6) and (7), it would raise the valuation criterion from \$65,000 to \$100,000. With this change, proposed developments in the SMA valued below the criterion would be issued minor permits if it is anticipated that they will not have any significant adverse environmental or ecological effects. Those values above this criterion would still be required to undergo in-depth review and public hearing through the SMA use permit process.

(4) On page 9, in subsection 205A-26(2), paragraph (C), the bill would clarify the SMA permit requirements to more explicitly allow concurrent processing of SMA use permits with general plan and zoning change requests.

Your Committees also find that the 1982 Legislature mandated a study by the Department of Planning and Economic Development, in consultation with the county SMA permit authorities. The proposed amendments in this bill are the result of the study as a means in streamlining the permit process and assisting those persons wanting to make certain changes within the SMA.

Your Committees have amended the bill in the following manner:

(1) The proposed change in the valuation criterion from \$65,000 to \$100,000 has been deleted. Your Committees are of the opinion that the lower figure should be retained.

(2) The proposed exemption on page 4, in subsection 205A-22 (3), paragraph (B)(xi), reading "or into four or fewer parcels when no associated construction activities are proposed", has been moved to a new paragraph (B)(xii), and a proviso attached as follows:

"provided that any such land which is so subdivided shall not qualify for this exception with respect to any subsequent subdivision of any of the resulting parcels".

Your Committees are of the opinion that this type of subdivision should be allowed but should be limited so that subsequent subdivisions of the same parcels will not occur.

(3) Subsequent subsections have been renumbered.

(4) Technical and non-substantive amendments have been made in the bill.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and on State General Planning are in accord with the intent and purpose of S.B. No. 2180-84, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2180-84, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Baker.
(Representatives Hagino, Hee, Menor, Nakata, Okamura, Tam, Ikeda and Isbell did not concur.)

SCRep. 623-84 Water, Land Use, Development and Hawaiian Affairs and State
General Planning on S.B. No. 1532-84

The purpose of this bill is to clarify the intent of Section 206E-12, Hawaii Revised Statutes. The section requires a developer to dedicate land or facilities, or cash payments in lieu thereof, as a condition of developing real property pursuant to the community development plan. It further provides that, in the event that State and county dedication laws differ, the provision for greater dedication prevails. This bill proposes to require that the provisions apply to public facilities, as defined in Section 206E-2.

Your Committees are of the opinion that, without this bill, the term "dedication laws" could be misinterpreted to include county laws relating to the dedication of low- or moderate-income housing. Since the Kaka'ako Plan adequately addresses the provision of affordable housing, through its reserved housing requirement for planned developments, any county dedication law related to low- or moderate-

income housing should not be applicable to the dedication requirements imposed upon developers by the Authority.

A technical and non-substantive amendment has been made.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and on State General Planning are in accord with the intent and purpose of S.B. No. 1532-84, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1532-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Baker and Morgado.

SCRep. 624-84 Consumer Protection and Commerce on S.B. No. 1871-84

The purpose of the bill is to translate a latin phrase in section 514A-4, Hawaii Revised Statutes, relating to horizontal property regimes into plain English.

Presently, section 514A-4 utilizes the phrase "juridic acts inter vivos or mortis causa". Testimony was submitted to your Committee explaining the difficulty condominium owners and even attorneys have in understanding this latin phrase. S.B. No. 1871-84 deletes the latin phrase and replaces it with the translation, "for all other purposes be treated", to simply state that condominium apartments are to be treated, for all purposes, the same as any other real property.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1871-84 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 Baker.

SCRep. 625-84 Consumer Protection and Commerce on S.B. No. 1553-84

The purpose of this bill is to clarify the Real Estate Commission's enforcement authority to issue cease and desist orders under section 514A-47, Hawaii Revised Statutes, for violations of the Horizontal Property Regimes Act.

Presently, section 514A-47, Hawaii Revised Statutes, authorizes the Commission to file complaints, hold hearings and issue cease and desist orders for any violation of chapter 514A. However, section 514A-46 limits the investigatory power of the Commission to certain sections of chapter 514A, namely, sections 514A-2, 514A-31 to 514A-39, 514A-41, 514A-42, 514A-44 to 514A-49, 514A-62 to 514A-66, 514A-68, 514A-69, and 514A-85. Moreover, section 514A-48, which authorizes the Commission to initiate legal actions to enjoin certain acts limits the Commission's authority to bring such actions for violations of the same sections set forth in section 514A-46.

The Real Estate Commission testified that in order to be consistent with the provisions of sections 514A-46 and 514A-48, it has taken the position that its authority to hold hearings and issue cease and desist orders under section 514A-47 extends only to violations of those sections of chapter 514A which the Commission is authorized to investigate and initiate actions to enjoin pursuant to sections 514A-46 and 514A-48, respectively.

Your Committee finds that section 514A-47 is presently incongruous in that it conceivably would allow the Real Estate Commission to hold hearings and issue cease and desist orders to halt alleged violations which it is not authorized to investigate. This bill would cure the incongruity by conforming the cease and desist authorization with the investigatory and enjoinder powers of the Commission.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1553-84, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 626-84 Agriculture and Judiciary on S.B. No. 1951-84

The purpose of this bill is to increase the penalty for violations relating to the branding of animals.

Currently, penalties for violations relating to the branding of animals range from \$1 to \$20 per animal. This bill would set the maximum penalty at \$200 per animal for such violations.

Your Committees have heard testimony from the Chairman of the Board of Agriculture in support of this bill.

Your Committees find that cattle rustling results in significant losses incurred by ranchers and thus poses a serious threat to the livestock industry in the State. The illegal use of a brand, the use of unregistered brands, and the obliteration of brands are methods used in rustling. By increasing the penalties for such violations, your Committees hope to aid livestock owners in deterring cattle rustling.

Your Committees on Agriculture and Judiciary are in accord with the intent and purpose of S.B. No. 1951-84 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Baker.

SCRep. 627-84 Finance on S.B. No. 1788-84

The purpose of this bill is to clarify and redefine provisions relating to the general fund expenditure ceiling and to extend the expenditure ceiling requirements beyond June 30, 1984.

Act 277, Session Laws of Hawaii 1980, implemented the provisions of the constitutional amendments ratified in 1978 which required that the Legislature establish an expenditure ceiling to limit the rate of growth of general fund appropriations to the estimated rate of growth of the State's economy. A sunset clause was included to allow for periodic review of the specific provisions contained in the act to ensure that they comply with the original intent and that they are useful and workable.

The current provisions relating to the state general fund expenditure ceiling are set to be repealed as of June 30, 1984.

Your Committee finds that, for the most part, the provisions of Act 277 are reasonable and workable. However, your Committee feels that the following recommendations are in order:

1. That the council on revenues prepare estimates of the total state personal income for any year for which such income has not been determined and published. This is simply a reiteration of paragraph (2), Section 2, Act 277 (HRS §37-91); however, it should be inserted into Section 3 of the same act (HRS §37-113) to direct the council on revenues to provide estimates beyond the calendar year in progress, if necessary. The reason for this change is that the preparation of the biennial budget requires calculating the expenditure ceiling for two consecutive years. For this estimates of total personal income for the calendar year in progress and one year beyond are necessary. Presently, the council on revenues, as directed by Section 3 of Act 277 (HRS §37-113), only prepares an estimate for the year in progress.

2. That "state growth" shall be established by taking the highest of the annual percentage in total personal income for the latest three years.

3. That the provisions relating to the general fund expenditure ceiling should be extended to June 30, 1988.

These recommendations are reflected in H.B. No. 1873-84, H.D. 1, and this Senate bill is generally amended to incorporate these recommendations.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1788-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1788-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 628-84 Finance on S.B. No. 1709-84

The purpose of this bill is to appropriate funds out of the general revenues of the State of Hawaii for the purpose of satisfying claims for legislative relief for overpayment of taxes, judgments against the State and settlement of claims, and other miscellaneous claims.

This bill includes judgments against the State and settlement claims and miscellaneous claims. The miscellaneous claims include interest refunds to Aloha Airlines, Inc., and to Hawaiian Airlines, Inc.

Your Committee has amended the bill by deleting a claim of the City and County of Honolulu and adjusting the claim amount for Hawaiian Airlines from \$1,987,522.55 to \$2,138,063.61.

Your Committee has further amended this bill by including two additional settlements recommended by the attorney general. These settlements have resulted from claims arising under the following cases: (1) Eric Nettore vs. Bradford Lamb vs. State of Hawaii, and County of Maui, and (2) Rosemary Leary et al. vs. State of Hawaii.

As a result, this bill makes an appropriation in the total amount of \$6,280,101.99 for the payment of claims.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1709-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1709-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 629-84 Finance on S.B. No. 1786-84

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 surplus 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 fourth year in a row, this bill is necessary to satisfy the constitutional mandate.

This bill provides for a general income tax credit of \$1.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1786-84, 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. 630-84 Finance on S.B. No. 1507-84

The purpose of this bill is to increase the savings realized through the re-financing of general obligation bonds by allowing general obligation refunding bonds to be discounted not more than five per cent and by providing that issuance costs be paid from the proceeds of these bonds. This bill also allows the debt service for these bonds to be allotted among the original purposes for which the bonds were issued for purposes of the statements required to be filed by the director of finance.

Although most general obligation bond issues are sold competitively, general obligation refunding bond issues typically are sold on a negotiated basis to a bond underwriting syndicate. In a negotiated sale, it is preferable to be able to offer the refunding bonds for sale at a discount since this enhances the marketability of the bonds and increases the savings obtained from issuing these bonds.

Allowing payment of issuance costs from the proceeds of general obligation refunding bonds also increases the savings to be realized through refinancing since legal, printing, and other expenses can be amortized over the life of the bonds.

This bill allows the director of finance to determine the manner of allotting the debt service on the general obligation refunding bonds among the purposes for which the proceeds of the bonds being refunded were allotted in preparing the statement required by part IV, chapter 39, Hawaii Revised Statutes.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1507-84, 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. 631-84 Finance on S.B. No. 1950-84

The purpose of this bill is to extend the expiration date for issuance of special purpose revenue bonds that assist utilities serving the general public in providing electric energy or gas from June 30, 1984, to December 31, 1991.

This bill will permit the department of budget and finance to issue the remaining balance of bonds authorized for assisting Hawaiian Electric Co., Inc., in Act 15, First Special Session Laws of Hawaii 1981, beyond the original lapsing date of June 30, 1984. It will also permit the issuance of refunding special purpose revenue bonds by December 31, 1991.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1950-84, 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. 632-84 Finance on S.B. No. 1757-84

The purpose of this bill is to add a new section to the Hawaii Revised Statutes to provide that the department of taxation shall not use the worldwide method of unitary taxation, and that it is the intent of the legislature that the department of taxation continue to apply the income tax law and the multistate tax compact as it and before the worldwide unitary tax concept was upheld by the United States Supreme Court.

This legislation is a result of the decision of the United States Supreme Court on June 27, 1983, in Container Corporation of America v. The Franchise Tax Board that the worldwide unitary method of determining income for tax purposes was acceptable. This case set off an uproar among the states and many foreign countries. The states saw this methodology as a quick way to gain large revenues. The foreign countries saw this method as violating tax treaties and double taxing foreign income.

The concept itself is not a tax, but a method of apportioning the income of the company that may be doing business in more than one state and county. The apportionment theory can be traced to the Multistate Tax Compact of which Hawaii is a member (chapter 255, Hawaii Revised Statutes) and the Uniform Division of Income for Tax Purposes Act (sections 235-21 to 235-39, Hawaii Revised Statutes).

The apportionment concept provides that although it is hard to determine exactly what income should be taxed by a state the use of the following formula will result in a relative accurate determination of income.

$$\frac{\text{In-State property}}{\text{Total property}} + \frac{\text{In-State payroll}}{\text{Total payroll}} + \frac{\text{In-State sales}}{\text{Total sales}} \times \text{Total corporate income} = \text{Income taxable by the State}$$

Because the formula uses total sales it is obvious that use of the formula may lead to greater income tax revenues to a state in worldwide economic good times while in worldwide economic bad times the income tax revenues to the state will be reduced.

Florida immediately adopted the worldwide unitary tax concept and many states initiated it or reviewed the manner in which it was working. Florida was informed by many large corporations that prior plans to enter Florida were being canceled while other large resident corporations reviewed the possibility of leaving Florida. Florida is presently closely considering repealing the unitary methodology. Illinois has been besieged by applications for income tax refunds by multinational corporation, and the Governor of Indiana issued the following statement:

Indiana is known for its favorable business climate. I am much more interested in improving that climate than I am in broadening the combined reporting method of a unitary business would be extremely detrimental to Indiana's future economic growth.

The executive branch in Hawaii has given business conflicting signals. Shortly after the Container case was decided the Department of Taxation indicated that it would be adopting rules to provide for the unitary method of taxing multinational corporations. Several months after that statement the Governor indicated that the State would not be adopting the worldwide unitary methodology. After the Governor's statement, however, the Department of Taxation had a public hearing on rules which would have implemented the world wide unitary methodology.

At this point the Committee notes that the Multistate Tax Compact and the Uniform Division of Income for Tax Purposes law has been on the books from 1968 and 1967, respectively, and the time is long past due for the Department of Taxation to adopt the necessary rules under those laws. The rules once adopted, of course, should conform to the provisions of Senate Bill No. 1757-84, S.D. 1.

As the bill points out Hawaii has made many statutory statements encouraging foreign investment. Your Committee agrees that such a statement regarding the adoption of the worldwide unitary method of determining income for tax purposes also must be made. Your Committee notes that the Department of Taxation is in favor of this bill but objects to the fact that the department is bound not to use this method but the taxpayer is not similarly bound.

Your Committee on Finance is in accord with the intent and purpose of S.B. No 1757-84, 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. 633-84 Energy, Ecology and Environmental Protection and Health on
H.R. No. 58

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.

Your Committees on Energy, Ecology and Environmental Protection and Health concur with the intent and purpose of H.R. 58, and recommend its adoption.

Signed by all members of the Committees except Representatives Bunda and Tam.

SCRep. 634-84 Agriculture on H.R. No. 32

The purpose of this resolution is to request the Governor's Agriculture Coordinating Committee to undertake a study to identify and evaluate alternative means of establishing equitable agricultural irrigation rates for all farmers.

Your Committee has received testimony in support of the intent of this measure from the Chairperson of the Board of Land and Natural Resources, the

Chairperson of the Governor's Agriculture Coordinating Committee, and the Dean of the College of Tropical Agriculture and Human Resources.

Your Committee finds that due to the inequity between water rates of the state irrigation systems and the county municipal water systems, farmers who are not in a State Agricultural park irrigate at much higher water rates than do farmers utilizing an agricultural park.

Your Committee also finds that resolution of the inequity of agricultural irrigation rates involves concerns that go beyond the mere adjustment of State rates and establishment of subsidies for farmers utilizing county irrigation systems.

Your Committee has amended this resolution by requesting that the Governor's Agriculture Coordinating Committee include in its study to identify and evaluate alternative means of establishing equitable agricultural irrigation rates for all farmers an investigation of the feasibility of seeking grants-in-aid or capital improvement project funding from the State.

Your Committee has also amended this resolution to request the assistance of the State Departments of Agriculture, Land and Natural Resources, and Planning and Economic Development, and the county Boards of Water Supply in the performance of the study.

Your Committee on Agriculture is in accord with the intent and purpose of H.R. No. 32, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 32, H.D. 1.

Signed by all members of the Committee.

SCRep. 635-84 Ocean and Marine Resources; Higher Education and the Arts;
and Education on H.R. No. 154

The purpose of this resolution is to request the Department of Education, the University of Hawaii, and the Department of Planning and Economic Development to prepare a report on the status and progress of the marine and aquatic education programs, and to identify the goals and the direction of development and program needs as projected through 1990.

Your Committees are concerned about the quantity and quality of marine education services available, through the University of Hawaii and the Department of Education, designed to prepare students for marine careers and as citizens familiar with their ocean environment.

Testimony presented from the Acting Superintendent of the Department of Education expressed concurrence with the intent and purpose of this resolution and advised that the Department of Education is developing a comprehensive marine and aquatic program.

Testimony from the Director of the University of Hawaii Sea Grant College Program indicated support for this resolution and a willingness to cooperate with the University and the Department of Education. However, it was suggested that the report's emphasis be based on current assessment and a realistic marine education. The Director of Planning and Economic Development also testified in favor of H.R. No. 154.

Your Committees on Ocean and Marine Resources, Higher Education and the Arts, and Education concur with the intent and purpose of H.R. No. 154 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 636-84 Ocean and Marine Resources; Higher Education and the Arts;
and Education on H.C.R. No. 63

The purpose of this concurrent resolution is to request the Department of Education, the University of Hawaii, and the Department of Planning and Economic Development to prepare a report on the status and progress of the marine and

aquatic education programs, and to identify the goals and the direction of development and program needs as projected through 1990.

Your Committees are concerned about the quantity and quality of marine education services available, through the University of Hawaii and the Department of Education, designed to prepare students for marine careers and as citizens familiar with their ocean environment.

Testimony presented from the Acting Superintendent of the Department of Education expressed concurrence with the intent and purpose of this concurrent resolution and advised that the Department of Education is developing a comprehensive marine and aquatic program.

Testimony from the Director of the University of Hawaii Sea Grant College Program indicated support for this concurrent resolution and a willingness to cooperate with the University and the Department of Education. However, it was suggested that the report's emphasis be based on current assessment and a realistic marine education plan. The Director of Planning and Economic Development also testified in favor of H.C.R. No. 63.

Your Committees on Ocean and Marine Resources, Higher Education and the Arts, and Education 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. 637-84 Finance on S.B. No. 1546-84

The purpose of this bill is to extend until June 30, 1985, the provisions of Act 153, SLH 1983, which transferred a portion of the service fees collected by the department of commerce and consumer affairs from the general fund to the business registration division's special fund. The continuation of the funding would allow the business registration division to retain the additional staff hired with the special fund. The termination date of fees transferred to the special fund via Act 153 will now coincide with the termination date of the special fund.

The business registration division of the department of commerce and consumer affairs requested the additional funds for the following reasons:

1. The positions which were to be funded by these added sources have been filled for six months and training has just been completed in some cases. The division would be at a loss to have the full benefit from these positions just for a few months and lose the time and energy of training these persons. Permitting the positions funded by the added sources will greatly aid the division's operation and keep up with the ever-increasing workload.

2. The division's special fund has a termination date of June 30, 1985, and will permit all positions to end at the same time. The purpose of the limited life of the fund was to determine the additional staffing requirements for the division and to see whether the newly established and increased fees could support these positions.

3. In the operating budget for fiscal years 1984 and 1985, two temporary and one permanent position were transferred to the division by reallocation of permanent positions from other divisions within the department. These positions were expected to keep the division in a holding position while the special fund positions were to be used to give the division additional help. However, the three general fund positions were frozen due to the State's fiscal problems and no real benefit resulted from the special fund positions other than just keeping up with the workload.

Your Committee approved a similar measure which passed the House on Third Reading: H.B. No. 1773-84, H.D. 1, House Standing Committee Report No. 45784.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1546-84, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 638-84 Finance on S.B. No. 2183-84

The purpose of this bill is to prevent members of the Employees' Retirement System from terminating employment for the sole purpose of withdrawing their contributions.

Your Committee finds that the present law does not prevent such abuse of the system. A member loses credited service upon termination but, if the member returns to service and continues employment for at least five years, the member at the point of retirement may purchase the service in a lump sum and select an option that would require the system to refund a portion or all of the member's contributions. This measure will correct this situation and protect the State from the higher costs resulting from this kind of abuse.

Your Committee has approved a similar bill, H.B. No. 2564-84, H.D. 1, House Standing Committee Report No. 460-84, which passed Third Reading in the House.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2183-84, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 639-84 Finance on S.B. No. 1525-84

The purpose of this bill is to extend authorization of the use of federal Reed Act credits from twenty-five to thirty-five years from the date the funds were first credited to the State.

Your Committee finds that extending the time limit for using the funds will allow the State to take advantage of the law to restore funds for future use.

Your Committee approved a similar measure on Third Reading: H.B. No. 175084, House Standing Committee Report No. 518-84.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1525-84, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 640-84 Finance on S.B. No. 1520-84

The purpose of this bill is to incorporate the quick kokua program and career resource centers into a comprehensive and unified transition center system for delivery of career, employment, social, and health counseling to the youth of Hawaii.

Many traditional jobs have become obsolete and new industries in oceanography, communication, and high-technology make high school and post-high school career decision-making ever more complex and the need for transition services all the more crucial. This bill will promote coordination between individual career resource centers in the utilization of resources; facilitate long-range planning to meet the career service requirements of Hawaii's students; provide a mechanism for inter-agency collaboration in delivering career services; and provide for the development of goals, objectives, and measures of effectiveness to guide the activities of school-to-work transition centers in Hawaii.

Your Committee approved a related measure which passed the House on Third Reading: H.B. No. 1745-84, H.D. 1, House Standing Committee Report No. 49384.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1520-84, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 641-84 Finance on S.B. No. 1503-84

The purpose of this bill is to redefine "gasohol" in more explicit terms, thereby making the definition compatible with federal interpretation and avoiding probable

tax litigation. This bill seeks to establish the minimum standard in mixing gasoline and alcohol for those taxpayers engaged in selling the liquid fuel mixture by specifying that the ten per cent ethanol is ten volume per cent and that the ethanol includes a denaturant.

Your Committee has approved a similar measure, H.B. No. 1728-84 (House Standing Committee Report No. 506-84), which has passed Third Reading in the House.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1503-84 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 642-84 Finance on S.B. No. 1675-84

The purpose of this bill is to propose amendments to HRS chapters 431 and 433 to include sections which provide reimbursement to licensed psychologists for services which would be covered by an individual or group accident and sickness policy if the services were performed by a licensed physician.

This bill will broaden the choice of health care providers and the types of expertise available to consumers who have insurance plans which currently limit services to those performed by physicians.

Your Committee finds that this legislation is necessary as it would serve to require insurance companies to provide coverage for psychologists services.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1675-84 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 643-84 Finance on S.B. No. 1509-84

The purpose of this bill is to appropriate \$384,850.86 to pay victims and providers of services who were awarded compensation pursuant to the Criminal Injuries Compensation Act.

Your Committee approved a similar measure which was passed on Third Reading: H.B. No. 1875-84; House Standing Committee Report No. 520-84.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1509-84, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 644-84 Finance on S.B. No. 2213-84

The purpose of this bill is to reduce the public employees' monthly contributions to their health benefits plan by increasing the fixed dollar amounts of the public employer's monthly contribution to the medical plan. This bill increases the employer's contribution for: (1) a self-only plan enrollment from \$15.98 to \$26.04 and (2) a family plan enrollment from \$49.14 to \$80.04.

Your Committee has approved a similar measure, H.B. No. 2512-84, H.D. 2 (House Standing Committee Report No. 475-84), which passed Third Reading in the House.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2213-84, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 645-84 Finance on S.B. No. 1718-84

This bill would add a new section to Part I, Chapter 356, Hawaii Revised Statutes, to create a housing finance revolving fund to support the administration and operation of the Hawaii Housing Authority's various housing finance programs.

Your Committee finds that such a fund would enable the Hawaii Housing Authority to deposit certain revenues into one revolving fund to be principally used for the operational expenses of administering various housing finance programs and for financing long-term and special projects, including the provision of below-market permanent loans. One specific objective of such a fund would be to relieve the authority's Dwelling Unit Revolving Fund (DURF) of current long-term commitments in favor of the short-term loans DURF was originally intended to provide. Your Committee understands the importance of such relief in light of the fact that the issuance of additional general obligation bonds to supplement DURF may be limited by federal law.

Your Committee has approved a similar bill, H.B. No. 2198-84, H.D. 2, House Standing Committee Report No. 473-84, which passed Third Reading in the House.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1718-84, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 646-84 Finance on S.B. No. 2251-84

This bill would expand the definition of an eligible rental housing project under HRS section 356-302 to include all rental housing projects which the Hawaii Housing Authority determines will require rental assistance to make them financially feasible. It would further change the corresponding rental assistance fund to a revolving fund in order to prevent the lapsing of current moneys in that fund.

Your Committee finds that, under the present language, the definition of "eligible project" in HRS section 356-302 does not include projects funded by the Farmers Home Administration or Community Development Block Grant programs. The proposed new language, which establishes financial feasibility rather than funding or subsidy source as the criteria for determining eligibility, will ensure that the widest range of projects--provided they are targeted for low and moderate income rental households--can be considered for Rental Assistance Program funds.

Your Committee stresses that the primary purpose of the Rental Assistance Program herein, contained in HRS chapter 356, part III, is to utilize the funds therein in conjunction with the provisions of HRS chapter 356, part II (Hula Mae), to facilitate the issuance of tax-exempt revenue bonds for the construction of multi-family low and moderate income rental housing projects, even if the program is not limited to just these types of Hula Mae funded projects. In keeping with this objective, your Committee would like to monitor the utilization of the Rental Assistance Program by requesting the Hawaii Housing Authority, in its annual report, henceforth to provide a description of each project utilizing the Rental Assistance Program.

Your Committee has approved a similar measure which passed the House on Third Reading: H.B. No. 2559-84, H.D. 1, House Standing Committee Report No. 46684.

Your Committee has amended this bill to correct a typographical error on page 3, line 23, by changing the word "earning" to "earnings."

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2251-84, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2251-84, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 647-84 Finance on S.B. No. 2249-84

The purpose of this bill is to authorize the allocation to each of the various counties of a proportion of the bond allocation received under the Federal Mortgage Subsidy Bond Tax Act of 1980, or as that act may be amended.

Your Committee finds that such an allocation of revenue bond authorization by the legislature is necessary, in the likely event Congress extends the Federal Mortgage Subsidy Bond Tax Act of 1980, implemented in Hawaii as the Hula Mae program. Your Committee also finds that the provisions allowing both the HHA and the counties to effectuate reallocations of the bonds are desirable because they provide flexibility in the utilization of these bond allocations by HHA and the counties.

Your Committee has approved a similar bill, H.B. No. 2528-84, H.D. 2, House Standing Committee Report No. 469-84, which passed Third Reading in the House.

Your Committee has amended this bill to adopt the provisions of H.B. No. 2528-84, H.D. 2, to authorize the Hawaii Housing Authority to make the bond allocation.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2249-84, 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. 2249-84, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 648-84 Judiciary on S.B. No. 2072-84

The purpose of this bill is to bring before the electorate of this State a proposed amendment to Article III, Section 9, of the Constitution of the State of Hawaii, to provide that the annual legislative salary, which is determined by the commission on legislative salary, shall be payable in the installments and at such times as provided by law.

Currently, there is a commission on legislative salary, appointed by the Governor, which meets every eight years and submits to the Legislature and the Governor its recommendations for a salary plan for members of the Legislature.

In reviewing the Committee of the Whole Reports of the 1978 Constitutional Convention, your Committee notes that the commission on legislative salary was established to remove the burden from the legislators to prescribe their salaries by their own action. The report states:

Experience has clearly demonstrated that legislators are reluctant to prescribe their own salaries.... Taxpayers are often critical of pay increases for legislators, and legislators run the risk of voting themselves out of office when they approve their own pay raises. Where the context dictates that emotion rather than rational thought govern, it is unrealistic to expect the legislators to prescribe their own salaries.

However, the Constitutional Convention also noted:

If legislative salaries are too low for many people to afford to serve, it will deny the public the services of many competent people, and the Legislature may not be representative of a good cross section of the community. It would tend to attract only the very rich who need not depend on the salary and the very poor who can fare no better otherwise...the cost of living has risen markedly, and the time legislators must devote to their elected duties has increased in the state legislatures.

In making the proposal for a constitutional amendment, your Committee does not intend to change the authority granted to the commission on legislative salary to determine the annual salary of state legislators nor provide an increase in legislative salaries. However, your Committee finds that there is a need to permit a more equitable scheduling of payments which is to be determined by law.

The current legislative salary plan, adopted by the 1978 commission on legislative salary, provides that over seventy-five percent of the annual legislative salary be paid during February, March and April, and the balance be paid in equal installments over the other nine months. This method of payments has resulted in a disproportionately large amount of tax being deducted from the salaries during the legislative session months relative to the total annual salary. The small amounts paid during the nonlegislative session months serve to place a legislator with little or no income other than the legislative salary in the incongruous position of possibly being qualified for public assistance. Your Committee finds neither of these results desirable. Having the legislative salary prescribed in such

installments and at such times as permitted by law will still maintain the commission on legislative salary's authority to recommend legislative salaries.

Your Committee has amended the bill as follows:

(1) The phrase, "by the commission on legislative salary," has been added in page 2, line 17.

(2) For purpose of clarity, the term, "salary plan," has been replaced with "recommended salary." Accordingly, the word "plan" has been deleted in page 3, lines 3, 5, 6, 8, and 9.

Finally, your Committee has made technical, non-substantive amendments to the bill for conformance to Ramseyer format.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2072-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2072-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 649-84 Judiciary on S.B. No. 1729-84

The purpose of this bill is to provide that the Supreme Court and the Intermediate Appellate Court shall be in continuous session and shall conduct all business as provided under sections 602-8 and 602-53 of the Hawaii Revised Statutes.

Under present law, the annual term for both the Supreme Court and the Intermediate Appellate Court begins on the first Monday in October and continues until adjournment or until the next term begins.

Your Committee finds that the Supreme Court and the Intermediate Appellate Court have been in continuous session for several years due to their large number of cases. The provisions of this bill would conform the statutes to what has become the practice in the courts.

Your Committee has amended the bill as follows:

(1) To correct a drafting error in the present law, the words "making motions or" are deleted in page 1, line 11, and page 2, line 6, of the bill, and the word "issuing" is inserted for clarity. Your Committee has been informed by the Judiciary that neither the Supreme Court nor the Intermediate Appellate Court makes motions but rather issues orders based upon motions.

(2) For conformance to the Ramseyer format, technical, non-substantive amendments have been made to the bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1729-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1729-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 650-84 Judiciary on S.B. No. 1732-84

The purpose of this bill is to provide the Family Court exclusive original jurisdiction to try an adult for action arising from a violation of an order of a family court judge.

Under present law, there is no specific statutory grant to the Family Court providing exclusive original jurisdiction to hear contempt actions arising from violations of Family Court orders and to impose other sanctions.

Your Committee finds that providing the authority to the Family Court will clarify the implied authority of the court, will alleviate the necessity for an amendment to the statutes whenever a chapter of the Hawaii Revised Statutes under the court jurisdiction is re-numbered, and will avoid the necessity of an

amendment whenever the court is given added jurisdiction through a change in the law.

For purposes of clarity and conformance with Ramseyer format, your Committee has made technical, non-substantive amendments to the bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1732-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1732-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 651-84 Judiciary on S.B. No. 784

The purpose of this bill, as received, is to enable the chief election officer to issue an election proclamation establishing a new precinct in any representative district jointly with the proclamation of an election, which shall be no later than the tenth day prior to the close of filing for an election. The bill also requires that multiple polling place sites shall be established no later than the tenth day prior to the close of filing for an election.

Under present law, the chief election officer must issue two proclamations when a new precinct is established, under section 11-92.1 of the Hawaii Revised Statutes when the precinct is established and again under section 11-91 when an election proclamation is issued.

Your Committee has heard testimony provided by the Office of the Lieutenant Governor in support of this bill. Your Committee finds that given the reapportionment of the State recently completed by the Reapportionment Commission, many of the precincts under which the 1984 elections will be held will be new due to the modifications of existing district lines that occurred in the reapportionment process.

Your Committee finds, therefore, that enactment of this measure will eliminate the duplication of proclamations and will conform the time restriction for establishment of multiple polling place sites with those in sections 11-91, 11-92.1, and 11-92.3 of the Hawaii Revised Statutes.

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

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

Signed by all members of the Committee except Representative Baker.

SCRep. 652-84 Judiciary on S.B. No. 2203-84

The purpose of this bill is to require that whenever the Legislature enacts a bill proposing a constitutional amendment, the bill shall contain the exact question that is to be printed on the ballot and that the question shall be phrased to require a "yes" or "no" response by the voter.

Under present law, there is no provision as to who shall frame the questions concerning proposed state constitutional amendments, proposed county charter amendments, or proposed initiative or referendum issues that are to be printed on the ballot for the electorate to consider. This function is frequently determined by the county clerks and election officers.

Your Committee finds that the wording of the ballot question should be more properly determined by the proposer of the proposed amendment. This procedure will also provide greater opportunity for the public to participate in the electoral process by allowing the public at the time of the public hearing on the proposed constitutional amendment an opportunity to comment on how the question should be worded that will be placed on the ballot.

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

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2203-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2203-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 653-84 Judiciary on S.B. No. 2206-84

The purpose of this bill is to enable the county clerk, if there is evidence indicating that voter's registration should be transferred, to notify the voter by first-class mail of the intent to transfer registration. If there is no response to the notification, the transfer shall be processed. A voter may contest the transfer by presenting evidence of actual residence at the old address to the county clerk or the board of registration.

The bill further provides deletion of gender-specific language and other technical, non-substantive amendments.

Under present law, in order to keep the general register up to date, the election office must notify voters of transfers in their registration not only by mail but also in the newspaper; and if a voter fails to respond, a second attempt must be made either by mail, telephone, or personal contact. Once a transfer is made, it must be published in the newspaper. This is a lengthy process which must be initiated no later than three months prior to the primary election.

Your Committee finds that this bill will facilitate the transfer of a voter's registration and ensure that a voter will be voting in the proper district.

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

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2206-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2206-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 654-84 Judiciary on S.B. No. 1733-84

The purpose of this bill, as received, is to authorize the administrative judge of the first circuit court, subject to the discretion of the chief justice, to assign all tax appeals court matters to such judge or judges of the circuit court of the first circuit as shall be deemed appropriate.

Under present law, one judge is designated to hear cases in the tax appeal court. Your Committee finds that integrating the tax appeal court into the master calendar system will expedite all cases by authorizing the assignment of tax appeal cases to any available judge of the first circuit.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1733-84, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 655-84 Judiciary on S.B. No. 2208-84

The purpose of this bill, as received, is to repeal section 18-1, Hawaii Revised Statutes, which sets forth the reapportionment of the first and second congressional districts.

Article IV of the Hawaii State Constitution provides that the State Reapportionment Commission shall reapportion congressional districts when required by federal law or by Article IV of the State constitution. Your Committee finds that section 18-1 should be deleted to conform with the requirement of Article IV.

Your Committee has heard testimony in support on the companion House Bill, H.B. No. 2610-84, from the Lieutenant Governor.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2208-84, 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 Baker.

SCRep. 656-84 Judiciary on S.B. No. 1726-84

The purpose of this bill is to enable the Chief Justice of the Supreme Court to designate a district family judge to act as a district judge.

Under current law, the Chief Justice may designate any district judge of the district court to act as a district family judge. Your Committee finds that use of district family judges in the district courts will facilitate the disposition of cases.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1726-84, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 657-84 Consumer Protection and Commerce on S.B. No. 2085-84

The purpose of this bill is to clarify the relationship between common elements as specified under section 514A-3(5), Hawaii Revised Statutes, and the voting rights of apartment owners in a horizontal property regime.

The current law provides that a condominium association's Declaration may designate an area that would otherwise be a common element as an apartment. This would allow a person who owns a trash chute or parking space to vote at association meetings. Your Committee finds this practice to be deceitful and contrary to the intent and purposes of the laws on horizontal property regimes.

Your Committee heard testimony from the Real Estate Commission and the Hawaii Association of Realtors. The latter had no real objection to this bill with the exception to the proposed amendment to section 514A-82(1), Hawaii Revised Statutes, on page 2, lines 13 through 24. This proposed language would require condominium boards to consist of seven members when there are more than one hundred apartments in the condominium. Further, this language allows the number of directors to be reduced by the owners during an annual or special meeting called for that purpose and by a vote of seventy-five percent of the owners.

Your Committee is in agreement with the testimony of the Hawaii Association of Realtors and questions the rationale of setting a minimum number of directors contingent upon having at least one hundred apartment units. Further, your Committee finds that the seventy-five percent vote to amend is inconsistent with section 514A-82(11). Accordingly, your Committee has deleted the proposed language to section 514A-82(1), Hawaii Revised Statutes, on page 2, lines 13 through 24.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2085-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2085-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 658-84 Consumer Protection and Commerce on S.B. No. 1874-84

The purpose of this bill is to amend section 514A-84, Hawaii Revised Statutes, to provide that a managing agent shall not commingle association funds with its own funds and to establish a record keeping retention procedure for managing agents.

As drafted, S.B. No. 1874-84, S.D. 1, would require owners to separate the payment of maintenance fees and ground lease rents. Although this will create

more administrative work for the association, your Committee feels that separate accounting is needed in order to preclude the possibility of "dipping into" a commingled account in order to compensate a shortage in either account.

Your Committee heard favorable testimony from the Hawaii Association of Realtors as to the intent of this bill. The Association did, however, express concern as to the use of the term "rental operation", as used herein the context of this bill.

Your Committee, upon further consideration, has added the following language to clarify the term "rental operation", in order to define which funds would be excluded from this prohibition:

"Rental operation shall not include the rental or leasing of common elements that is conducted on behalf of the board of directors of the association of apartment owners".

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1874-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1874-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 659-84 Consumer Protection and Commerce on S.B. No. 1740-84

The purpose of this bill is to extend the time for repeal of the Board of Nursing until December 31, 1990 and to address the concerns addressed in the Legislative Auditor's Sunset Report on Nursing (Report No. 84-4).

As originally drafted, S.B. No. 1740-84 deleted the reference to the specialized qualification of the Board of Nursing Executive Secretary. The current existing statutory language reads as follows:

"The executive secretary shall be employed with due regard to the person's fitness, thorough administrative ability and knowledge of and experience in the nursing field."

The aforementioned language was subsequently amended to read as follows:

"The executive secretary shall be employed with due regard to the person's fitness, thorough administrative ability and knowledge of and experience in the medical profession." (new language underscored).

Your Committee heard testimony from the Department of Commerce and Consumer Affairs in opposition to the proposed language. The Board testified that there are currently thirty (30) boards and commissions and ten (10) regulatory programs assigned to the Professional and Vocational Licensing Division and that they are served by nine (9) executive secretaries. While none of the nine executive secretaries has specialized knowledge or experience, all of the executive secretaries are serving the boards adequately. Further, because each executive secretary is assigned more than one board, the Department finds it more expedient to hire an executive secretary with general administrative ability.

Your Committee also heard testimony from the Board of Nursing in opposition to the proposed language, reiterating the fact that the executive secretary should have knowledge and experience in the field of nursing.

Your Committee, upon further consideration, has amended the bill to read as follows:

"The executive secretary shall be employed with due regard to the person's fitness, thorough administrative ability and knowledge of the field of nursing."

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1740-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1740-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 660-84 Consumer Protection and Commerce on S.B. No. 1560-84

The purpose of this bill is to provide for the revocation, limitation or suspension of any license to practice medicine and surgery by the Board of Medical Examiners when a licensee fails to report to the Board any disciplinary action taken against the licensee in another jurisdiction.

The Board of Medical Examiners testified that in today's highly mobile society, many physicians maintain licenses in two or more jurisdictions. In Hawaii, there are over 1,000 licensed physicians that fall under this category and the Board has experienced cases in which such licensees have had disciplinary problems in other jurisdictions without the Board's knowledge. Accordingly, this bill will require the licensee to report disciplinary action taken in other jurisdictions.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1560-84, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 661-84 Consumer Protection and Commerce on S.B. No. 1565-84

The purpose of this bill is to clarify the definition of "collection agency" by including the words "fixed fee" and by adding a provision which would make it clear that collection of installment payments on real estate mortgage loans does not fall within the purview of the collection agencies law.

Recently, the Department of Commerce and Consumer Affairs was advised by the Attorney General's Office that those paying "fixed fees" also fall under the definition of a collection agency and must comply with the law. The Department agreed that the definition of a collection agency should include the words "fixed fee" for clarification.

The Department of Commerce and Consumer Affairs testified that some consumers are confused as to whether they should be using the service of a "collection agency" or a "mortgage and collection servicing agent" to collect installment payments of real estate mortgage loans. Although references to real estate mortgages are found only in Chapter 454D, Hawaii Revised Statutes, to avoid confusion, section 443A-1(3)(C), Hawaii Revised Statutes, states that any agreement which provides for installment payments and which is secured by an interest in real property, including without limitation mortgage loans and agreements of sale, whether or not such collection agent receives any compensation or other consideration for services shall fall under the purview of mortgage and collection servicing agents' law, Chapter 454D, Hawaii Revised Statutes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1565-84, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 662-84 Consumer Protection and Commerce on S.B. No. 1555-84

The purpose of this bill is to:

- (1) Limit the scope of practice in Hawaii of veterinarians licensed in other states.
- (2) Allow an applicant who meets licensing requirements to practice under a licensed veterinarian by permit.
- (3) Eliminate the offices of secretary and treasurer of the Board of Veterinary Examiners.
- (4) Eliminate the requirement that the Board of Veterinary Examiners submit an annual report to the Governor.

(5) Extend the deadline by which applications to take the examination for licensure must be filed from thirty to sixty days prior to the date of the examination.

(6) Eliminate the requirement of an oral examination for licensure.

(7) Eliminate the requirement that an applicant for licensure be "of good moral character".

(8) Provide that the Board of Veterinary Examiners determine the form of examinations for licensure, including those aspects of veterinary medicine common to the State.

(9) Remove reference to gender and indefinite modifiers.

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

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1555-84, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 663-84 Consumer Protection and Commerce on S.B. No. 1872-84

The purpose of this bill is to allow apartment owners flexibility in amending Declarations of Horizontal Property Regime (Declarations) with respect to additions, deletions, modifications, and reservations to the property and in subdividing or consolidating apartments.

Currently, amendments to Declarations require the vote or written consent of not less than seventy-five percent of the apartment owners. Many Declarations permit affected apartment owners or the declarant to make specified amendments to the Declaration without compliance with the cumbersome procedure of approval by seventy-five percent of the apartment owners.

Your Committee heard favorable testimony from the HPR Committee of the Hawaii State Bar Association, and finds that this measure will provide flexibility for apartment owners and declarants in amending Declarations and in allowing the subdivision and consolidating of apartment units.

Your Committee, upon further consideration, has amended page 7, line 9, to read "section 514A-11(12)" instead of "section 514A-(12)".

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1872-84, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1872-84, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 664-84 Consumer Protection and Commerce on S.B. No. 1745-84

The purpose of this bill is to extend the existence of the Board of Acupuncture until December 31, 1990, and address concerns expressed by the Legislative Auditor's Sunset Report on Acupuncture.

Your Committee has learned from the Auditor's report that the Attorney General's Office rendered an opinion on December 1982 that acupuncturists were not entitled to call themselves "Doctors" or "acupuncture physicians". Subsequently, the Board's lack of response to this opinion resulted in the sending of warning letters to acupuncturists who were violating the Board's rule on advertising. Among those receiving a warning letter from the Executive Secretary were three members of the Board. Although all the violators have since complied to this rule, your Committee is disturbed that the Board did not react promptly to the Attorney General's opinion and that Board members were violating a rule that they were supposed to enforce.

Your Committee further finds that the Board has failed to establish educational guidelines in their licensing process by allowing foreign applicants to take the Board's exam indiscriminately without first establishing a complete list of foreign schools whose graduates are acceptable candidates for licensing.

Your Committee accordingly feels that the Board of Acupuncture has been mis-managed and will therefore be placed on probation for a period of one year. During the probationary period, it is the intent of your Committee that the Board be reviewed again in order to make a determination as to whether the board will be sunsetted.

Your Committee has further amended the bill to solely address the extension of the Board and has deleted the following sections from this bill: Section 1; Section 3; Section 4; Section 5; and Section 6.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1745-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1745-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 665-84 Consumer Protection and Commerce on S.B. No. 1815-84

The purpose of this bill is to amend Chapter 514A by adding a section which would permit arbitration of any internal dispute between and involving only owners of a condominium, the association of apartment owners, the board of directors and the managing agent relating to the interpretation, application or enforcement of Chapter 514A or the association's declaration, by-laws, or house rules.

It is the intent of the bill, as amended, to expedite the disposition of certain types of disputes where all parties to the dispute agree to arbitration.

Specifically, the bill, as amended, includes sections which:

1. Define the types of disputes which may be submitted to arbitration under this section.
2. Establish a procedure for a party desiring arbitration to deliver a notice and demand for arbitration on the other party or parties and give the other party or parties a twenty day period in which to affirmatively oppose the arbitration of the dispute. Absent this affirmative opposition, the arbitration would commence under the rules set out in the section.
3. Provide that the Horizontal Property Regime Rules on Arbitration of Disputes of the American Arbitration Association shall be used until the Real Estate Commission can adopt rules.
4. Provide that the arbitrator shall be bound by rules of substantive law, shall not be bound by the rules of evidence and shall permit discovery.
5. Exclude certain disputes from the provision of this section.
6. Allow for the awarding of costs and fees by the arbitrator.
7. Provide procedures by which arbitration awards are made and by which such award can be confirmed.
8. Allow a party, at his own expense, to obtain findings of fact and conclusions of law by the arbitrator.
9. Provide for an appeal of the award under Chapter 658 and for an error in substantive law and to charge the appealing party with all reasonable costs of arbitration and appeal if the non-appealing party prevails in the appeal.

Your Committee has amended the bill to make arbitration under the section voluntary rather than mandatory in response to an opinion of the attorney general that mandatory arbitration without an appeal or trial *de novo* is unconstitutional. Your Committee has further amended the bill to provide a procedure by which a dispute is submitted to arbitration and has deleted sections on judicial

determination of unsuitability of certain items for arbitration and judicial determination of insurance coverage as unnecessary since the bill now provides for voluntary rather than mandatory arbitration.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1815-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1815-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 666-84 Consumer Protection and Commerce on S.B. No. 1835-84

The purpose of this bill is to amend section 281-33, Hawaii Revised Statutes, to provide for the issuance of a permit by the Liquor Commission to an unlicensed adult person to receive a single shipment of liquor from outside the State and to limit the quantity to five gallons, or 19 liters.

Your Committee heard testimony from the Honolulu Liquor Commission and other interested parties in support of the bill.

Your Committee has amended the bill to incorporate the provisions of S.B. No. 1024, S.D. 1, S.B. No. 2128, S.D. 1, and H.B. No. 2526, relating to intoxicating liquor, to:

1. Provide that liquor purchased at an establishment with a dispensers license be consumed on the premises.
2. To permit the issuance of a general liquor license to the owner of a catering service for the sale of liquor while performing catering functions at a location other than the caterer's premises. Currently, unlicensed patrons of a caterer's services must purchase their liquor at retail prices. This provision would permit a caterer to sell liquor while performing catering functions, provided that the sale is made on the premises of the patron contracting the catering service.
3. To provide for the payment of a fee equal to and instead of the liquor use tax imposed by section 244-4, Hawaii Revised Statutes, in order to ensure that consumers who receive a shipment of liquor from outside the State do not avoid Hawaii liquor taxes.
4. To permit a standard bar to provide facilities for dancing by patrons, including a dance floor and live or recorded music.
5. To add a new section to require liquor suppliers to report all sales and shipments to military bases, post exchanges or similar operations to the respective county liquor commissions. This report will enable the State to determine the amount of alcoholic beverages being sold to military establishments on which no State tax is paid.

Your Committee of Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1835-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1835-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 667-84 Finance on S.B. No. 1846-84

The purpose of this bill is to provide funds for capital improvement projects throughout the State and to make other amendments to Act 283, SLH 1983.

This bill in its amended form, provides an additional \$25 million for capital improvement projects. The authorization for bonds necessary to fund the projects contained in this bill are accounted for in the bond declaration bill. Furthermore, the addition of these projects will not cause the debt limit to be exceeded.

Your Committee finds that the needs of our children attending public schools, requires funds be provided for repair and maintenance of existing buildings and

construction of new facilities. With the current downswing of construction activity, these projects would create jobs and economic productivity while maintaining our commitment to provide each student with the basic academic and social skills needed to support them in meeting the demands of our community. Thus, \$13 million has been appropriated for this purpose.

To insure the health and safety of our citizens using our state highways, \$3 million has been appropriated for road improvements, including installation of street lights, traffic signals, shoulder widening and guardrails; which will ultimately contribute to and create an amenable environment for both residents and visitors to our Hawaiian islands. In addition, coupled with the demands for land resources, these improvements would accommodate accessibility to existing resources for optimum utilization.

Your Committee recognized the importance of recreational activities in everyday life and as such has provided funds totaling approximately \$4.5 million for the necessary infrastructure and support facilities for our state parks, playgrounds, and recreation centers; keeping in mind that we are an island state, included are funds for ocean-related recreational improvements such as dredging and new boat ramps, and the establishment of a shorefront park at Fort Armstrong, Kewalo.

Finally, to nurture the aged and to develop an abundant and as yet untapped resource, funds of \$1.5 million have been provided to construct a Kapahulu Senior Citizens Center, renovations to and construction of new Community Centers on Maui, a Kauai Sports Center, and improvements to the water resources system on the island of Hawaii. Included with this are other specific community improvements such as new sewer relief lines, drainage systems, and purchase of easements for flood control in Kahaluu.

After close scrutiny, your Committee believes that the projects contained herein reflect the Legislature's intent to appropriate funds where needed most during these austere times, and which will work for the benefit and contribute to the lives of the general populace of the State of Hawaii. This bill, through additional capital improvements, will assist the State in realizing that intent.

Lastly, amendments to Act 283 in the form of word changes for two projects are attached. These language changes allow for a more specific and thus accurate project description.

Your Committee on Finance is in accord with S.B. No. 1846-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1846-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 668-84 Finance on S.B. No. 1551-84

The purpose of this bill is to amend twenty-six chapters of the Hawaii Revised Statutes pertaining to boards and commissions and to provide for:

- (1) Separate application, examination, and license fees where fees have not been separated;
- (2) Delete from the statutes all wording specifying the amount of fees; and
- (3) Add language to the effect that all fees are to be established by rule by the director of commerce and consumer affairs.

The bill will also delete: (1) the U.S. citizenship requirement for optometry license and (2) the requirement to submit an annual report to the governor by the board of optometry.

The director of commerce and consumer affairs was authorized by the legislature under Act 92, Session Laws of Hawaii 1980, to increase or decrease the board and commission fees to maintain a reasonable relation between the revenues derived from fees and the cost or fair value of services rendered. HRS section 26-9(k) further authorized the director to establish separate application, examination, and license fees.

Your Committee finds that the department adopted new rules on fee changes on September 1, 1983, which are intended to establish a reasonable relation between revenues and expenditures. This bill amends the various sections of the board and commission statutes affected to conform to the action taken by the department on fees.

Your Committee has amended this bill to correct typographical errors.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1551-84, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1551-84, S.D. 2, H.D. 1.

Signed by all members of the Committee.

SCRep. 669-84 Finance on S.B. No. 1629-84

The purpose of this bill is to provide statewide parking privileges, including eligibility criteria, for disabled persons.

Your Committee finds that, at present, the various counties follow disparate practices in their adoption and administration of rules and ordinances governing parking for the handicapped. Because of this, the permit verifying a handicapped person's parking privileges in one county may not be recognized in another, and that person may be cited wrongfully. Consequently, a disabled person must apply at several agencies to obtain various parking decals, with definitions of what constitutes being handicapped varying from agency to agency.

Your Committee agrees with the provisions of this bill as it defines disabled persons, certificate of disability, and set forth uniform policies and procedures for issuing permits and placards. This bill will be instrumental in resolving current problems pertaining to parking for disabled persons.

Your Committee has amended this bill to specify that a county "may" issue placards. Other nonsubstantive changes have also been made.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1629-84, 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. 1629-84, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 670-84 Finance on S.B. No. 905

The purpose of this bill is to establish a Hawaii Product Development Corporation (HPDC) within the department of planning and economic development for administrative purposes.

Your Committee finds that there is a need for an agency to enter into venture-financing agreements with local businesses for the development of specific products, procedures, and techniques to be developed or produced in Hawaii.

Your Committee has amended this bill to correct nonsubstantive errors in drafting.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 905, 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. 905, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 671-84 Finance on S.B. No. 1115

The purpose of this bill is to establish a compulsory arbitration procedure for the resolution of disputes over the terms of an initial or renewed agreement involving the exclusive representative of bargaining unit (12), police officers.

Presently, firefighters are subject to a complete final offer arbitration procedure while police officers have the right to strike. However, because of the nature of their work, most police officers would almost certainly be designated as "essential employees" and be forbidden to participate in a strike. Consequently, police officers do not have sufficient leverage in labor negotiations. Compulsory arbitration would provide an effective alternative to settle disputes and is in the interest of continued public health and safety.

Your Committee agrees that the same compulsory arbitration process which covers firefighters should be extended to police officers as a viable alternative to strike action.

Your Committee is concerned that the present law requiring the arbitration panel to select one or the other final offer is too limited and believes that more equitable settlements could be reached if the arbitration panel is allowed greater latitude in fashioning a final and binding decision. Accordingly, your Committee has amended paragraph 2 on page 4 of this bill by deleting the requirement that the arbitration panel must select the most reasonable of the complete final offers submitted by the parties and requiring, instead, that the arbitration panel simply issue a final and binding decision.

Your Committee is also concerned that arbitrators have been misinterpreting factor 6 of HRS §89-11(d) to include mainland jurisdictions as the primary basis for measuring the reasonableness of final offers. In order to make it clear that local state and county circumstances should be the controlling consideration in factor 6, your Committee has amended line 10 on page 5 of this bill by replacing the word "generally" with the phrase "in Hawaii."

Other nonsubstantive, technical amendments have also been made.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1115, 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. 1115, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 672-84 Finance on S.B. No. 1577-84

The purpose of this bill is to correct a technical error in Act 253, Session Laws of Hawaii 1982, and thereby include animal and poultry producers as wholesalers, subject to the 0.5 per cent general excise tax; to provide a definition of agricultural products in section 237-5, Hawaii Revised Statutes; and to establish a 0.5 per cent use tax on importations by licensed producers and cooperative associations.

Your Committee finds that Act 253, Session Laws of Hawaii 1982, extended the 0.5 per cent excise tax rate to agricultural or aquacultural producers, but did not include animal and poultry producers, contrary to the intent of the Act. This bill corrects that technical error by extending the wholesale rate of 0.5 per cent on sales to all "producers".

Your Committee finds that this provision also should be extended to the use taxation of those persons in this area so that the use tax on importations by producers and cooperative associations shall also be 0.5 per cent instead of 4 per cent.

Your Committee has amended the bill as received by moving the word "agronomic" on page 8, line 1 to line 3 for the purpose of clarity and accuracy. Your Committee has deleted the phrase "such persons shall be deemed a wholesaler as provided under" on page 9, lines 12 to 13 as an unnecessary modification of section 237-4. Further technical amendments have been made.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1577-84, 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. 1577-84, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 673-84 Finance on S.B. No. 139

The purpose of this bill is to enable the transfer of park lands between the State and the counties.

Your Committee finds that the State and the city and county of Honolulu have completed a jurisdictional evaluation of recreation sites and an exchange plan to transfer three state parks to the county and four county parks to the State. The attorney general's office has reviewed legal issues involved in the proposed transfer.

Your Committee has amended this bill by authorizing a one-time transfer of seven specific parks rather than giving the counties and the department of land and natural resources blanket authorization to implement transfers. Your Committee believes that the legislature should review all proposals for the transfer of such important public lands and facilities and approve or disapprove each proposed transfer. Only the transfer of park lands and related improvements are authorized. There is to be no transfer of personnel or equipment. The department of land and natural resources is requested to provide the 1985 legislature with a detailed report on state/county park exchanges.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 139, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. 139, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 674-84 Finance on S.B. No. 20

The purpose of this bill is to bring state practices with regard to payment for services and goods into alignment with federal practices by amending HRS section 102-10.

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. This bill reduces the period allowed to the State and counties to pay for goods and services received from sixty days to forty-five, before any interest is assessed.

Your Committee has amended this bill in the following manner.

- (1) Deleted the amendments to HRS sections 40-56, 40-57, and 40-57.5;
- (2) Amended HRS section 103-10 by:
 - (a) adding the phrase "no earlier than thirty days, except with the approval of the comptroller, and" to the first sentence to comply with the federal requirement of not paying earlier than the normal business of thirty days,
 - (b) adding the phrases "or satisfactory delivery of the goods or performance of the services, whichever is later", "or satisfactory delivery of goods or performance of the services, whichever is later, and ending on the date of the warrant", and "and will end as of the date of the warrant" to the first, second, and last sentences, respectively, to recognize common business practices,
 - (c) substituting the phrases "effective rate of twelve percent simple interest per annum" for "rate of one percent per month" in the second sentence to clarify the interest rate to be paid,
 - (d) adding the phrase "a labor dispute; a power or mechanical failure; fire; acts of God; or any similar circumstance beyond the control of the State or any county" to further protect the State and counties from paying interest on delays due to circumstances beyond the control of the State or counties; and
- (3) The effective date of this bill has been changed from "upon its approval" to January 1, 1985, to allow sufficient time for an orderly transition to comply with requirements effectuated by this bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 20, 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. 20, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 675-84 S.B. No. 2209-84

The purpose of this bill is to clarify procedures and definitions relating to the grant, subsidy, and purchase of service program by amending HRS chapter 42.

Your Committee has reviewed this bill in light of the recommendations of the legislative auditor's 1984 report on the status of the chapter 42 implementation. Further, your Committee has also studied the proposed amendments set forth in this bill within the context of the budget review of grants, subsidies, and purchases of service conducted this year and included in the supplemental budget act.

Based on its review, your Committee agrees with the intent and purpose of S.B. No. 2209-84, S.D. 2, H.D. 1, as follows:

(1) Definitions. A distinction has been made between a "grant" and a "purchase of service". The definition of a grant provides for a recipient to be funded for a specific activity or project "generally on a one-time basis" to stimulate and support activities of the recipient. It is your Committee's intention that the definition of grant be distinguished from that of purchase of service by the fact that grants are generally one-time awards for a specific activity. At the same time, your Committee recognizes that there may be exceptions in which a grant may be provided more than once to the same recipient if the legislature deems such activity requires funding based on merit or need. Therefore, your Committee feels that the term "generally on a one-time basis" will allow for some flexibility in the funding of grants.

Your Committee considers a "purchase of service" to be an integral part of a department or agency's program and should be included as part of the operating budget request. Therefore, your Committee has redefined purchase of service to be an ongoing service purchased by a department to carry out its goals and objectives.

(2) Procedures. The bill establishes the solicitation of proposals from potential providers through a request for proposal process. It also provides agencies with the flexibility of submitting budget requests for activities where qualified providers have not been identified and the purchase of such activities is necessary for the agency to carry out its program goals.

The amendments also require a special budget display to be submitted along with the executive budget submittal which will include a listing of each agency-activity to be funded by the source of funding and, where specific providers have not been identified, a list of activities to be funded along with possible providers.

Mindful of the financial exigencies facing the State, the director of finance has been given discretionary powers to restrict allotments of appropriations to recipients and providers in the event of anticipated shortfalls.

Your Committee also agrees that agencies should be given the flexibility to reassign appropriations for grants, subsidies, and purchases of service if named providers or recipients become ineligible to receive such funding.

Your Committee is aware that, from time to time, agencies applying for grants may be more appropriately funded under the "purchase of service" program. Therefore, your Committee has added a new section to the law which allows for the legislature to fund requests for grants under the purchase of service program where such funding is deemed more appropriate.

Your Committee has made some technical amendments to S.B. No. 2209-84, S.D. 2, H.D. 1.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2209-84, 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. 2209-84, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 676-84 Finance on S.B. No. 2125-84

The purpose of this bill is to provide financial relief to state and county retirees to counter the erosion of the purchasing power of their pensions due to inflation and the inadequacy of the present post-retirement and cost-of-living bonus provisions in the law.

The post-retirement bonus program was initiated in 1961. Thereafter, the cost-of-living bonus became effective on January 1, 1966, and was increased several times thereafter. The process of legislating these retirement increases, however, is costly and time-consuming, and your Committee finds that there is a need to address comprehensive changes to expedite this process.

Your Committee has amended this bill as follows: (1) to provide a bonus of 25 cents a month for each year of credited service for persons who retired after June 30, 1970, and before July 1, 1975, (2) to provide a bonus of 50 cents a month for persons who retired after June 30, 1975, and before July 1, 1979, and (3) to provide for a \$4.35 a month increase for all pensioners for the period of January 1, 1985, to June 30, 1985.

Your Committee has also amended the bill by providing for a \$1 appropriation for fiscal year 1984-1985 from the general fund.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2125-84, 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. 2125-84, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 677-84 Finance on S.B. No. 785

The purpose of this bill is to make a number of technical corrections to the Retail Installment Sales Act, HRS chapter 476, in order to conform the law, conceptually as well as technically, to other federal and state credit legislation.

In recent years, the following revisions have occurred in both the state and federal regulation of consumer credit:

(1) In 1979, Hawaii amended both HRS chapter 408 and the General Usury Law, HRS chapter 478.

(2) In 1981, Hawaii enacted its Plain Language Law, HRS chapter 487A, which was subsequently revised in 1982.

(3) In 1969, the federal Truth in Lending Act took effect and was subsequently revised by the Truth in Lending Simplification and Reform Act in 1982.

Because HRS chapter 476 was adopted in 1961 and the many specific amendments made over the years dealt only with particular subjects, there is much nonconformity and inconsistency with related federal and state provisions. This undermines the parity between sellers and industrial loan companies and contradicts the intent of HRS chapter 476.

Your Committee on Finance concurs with the findings of your Committee on Consumer Protection and Commerce in Stand. Com. Rep. No. 546-84.

Your Committee has made numerous nonsubstantive amendments to this bill to correct typographical, drafting, and stylistic errors.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 785, 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. 785, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 678-84 Finance on S.B. No. 1541-84

The purpose of this bill is to:

(1) Authorize the director of the department of commerce and consumer affairs to appoint a time share administrator to perform the duties and responsibilities conferred upon the director under the provisions of HRS chapter 514E and

(2) Authorize the director to employ such other administrative and clerical assistants as the director deems necessary or advisable for the proper administration of the aforementioned chapter.

Currently, there are no positions funded for time sharing within the department.

Your Committee shares the view expressed in House Standing Committee Report No. 548-84 that an adequate staff is necessary to administer the program and to fully implement the provisions of HRS chapter 514E.

Your Committee has amended this bill by correcting various drafting errors for clarity purposes.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1541-84, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1541-84, H.D. 1.

Signed by all members of the Committee.

SCRep. 679-84 Consumer Protection and Commerce on S.B. No. 29

The purpose of this bill is to require strict disclosure requirements in situations wherein sales or acquisition agents will offer gifts or prizes in writing to prospective time share purchasers on the condition that the prospective purchaser attend a time share presentation.

Currently, there is no statutory requirement that the offeror disclose the following information:

- (1) The prize or gift being offered;
- (2) The condition of receipt of said offer; and
- (3) A full description of the item being offered.

Your Committee finds that this bill would regulate mail solicitation of time sharing interest by imposing specific disclosure requirements. Among these requirements would be that there must be a complete description of the gift or prize being offered and its cash value, the terms or conditions attached to the prize or gift, a statement that the purchaser must submit to a sales presentation, and full description of the product, real estate, investment, services, membership, or any other time share item to be offered for sale, including the price of the least expensive and the most expensive item or parcel.

The Department of Commerce and Consumer Affairs testified that it was in accord with the proposed amendments to both sections 514E-11 and 514E-11.1, Hawaii Revised Statutes, as it would afford greater protection to prospective purchasers, by encompassing both oral and written time sharing solicitations. Also testifying in support of this bill was the Acting Director of the Office of Consumer Protection.

Your Committee noted that the requirement of a full description of the time share item being offered for sale might be interpreted to require more information than a consumer would need for a clear understanding of the advertising or promotion, and that such information overload may lead to consumer confusion and impose unreasonable costs and restraints on the commercial free speech of business. The Office of Consumer Protection supported this amendment.

Your Committee, upon further consideration, has amended newly proposed section 514E-11(3)(D), Hawaii Revised Statutes, to read as follows:

"(D) An identification of the time share project to be offered for sale including price ranges of the time share products in that project."

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 29, S.D. 1, as amended herein, and recommends

that it pass Third Reading in the form attached hereto as S.B. No. 29, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 680-84 Consumer Protection and Commerce on S.B. No. 1540-84

The purpose of this bill is to amend Chapter 514E, Hawaii Revised Statutes, relating to time sharing plans, as follows:

(1) Adding a new section to Chapter 514E, Hawaii Revised Statutes, authorizing the Director of Commerce and Consumer Affairs to contract with private consultants to review the filings required of all time share developers under section 514E-10(a), Hawaii Revised Statutes, with the cost of such review to be borne by each developer.

Present law allows the Director to contract with attorneys and other private consultants under section 514E-27, Hawaii Revised Statutes, to review the alternative arrangements for purchaser protection against blanket liens which may be submitted as part of the requisite filing for all developers. No expenditure of funds is necessary as the cost of this review work is to be borne by the developer. The Department expressed its support of the new provision which would allow the Director to contract with private consultants to review the filings of time share developers. The use of such consultants would alleviate the administrative burden imposed by the number of filings made by time share developers, plan managers, sale agents, acquisition agents and exchange companies, and would enable the Department to allocate more of its resources to its time share enforcement efforts. Your Committee is cognizant of the public benefit which would be derived from having experts in the time share field and related areas review the plans before they may be offered for sale. Based upon the consultant's review, the Department would ultimately determine whether the developer's filing should be accepted for registration. Additionally, the Department would still conduct a review of the filings made by individuals or entities other than the developer.

Similar consultant provisions have been enacted under Chapter 484, relating to subdivided lands, and Chapter 514A, relating to horizontal property regimes.

(2) Adding a new section Chapter 514E, Hawaii Revised Statutes, establishing voting rights for time share units to provide reasonable protection for persons who own partial interests in or rights to occupy the units.

(3) Amending section 514E-27, Hawaii Revised Statutes, relating to alternative arrangements for purchaser protection against blanket liens on the time share property, to provide that the Director may contract with attorneys or private consultants for the review of such proposed arrangements and, to provide further, that the cost of retaining such attorneys and consultant shall be borne by the developer.

(4) Amending section 514E-2.5(c), Hawaii Revised Statutes, by removing the Director's authority to suspend or revoke the real estate license of a real estate broker or real estate salesman, who when acting in the capacity of a time share acquisition agent or sales agent, is found to have violated any provision of Chapter 514E, Hawaii Revised Statutes, or the rules adopted pursuant thereto.

At the present time, the power to suspend or revoke a person's real estate license for a violation of the time share statute rests solely with the Director. Your Committee believes that such authority should properly be granted to the Real Estate Commission, in view of its jurisdiction over the activities of all real estate licensees under Chapter 467. Your Committee is aware of the present authority of the Real Estate Commission to suspend or revoke the real estate license of a time share company for a violation of the real estate statute. The Commission, however, should be permitted to proceed administratively against any of its licensees who are found to have violated Chapter 514E, as proposed under this section of the bill. The Director, in turn, would retain the power to suspend or revoke the time share registration of an acquisition agent or sales agent found to be operating in violation of the time share statute.

(5) Amending section 514E-10, Hawaii Revised Statutes, to specifically require all time share developers, plan managers, sales agents, acquisition agents and

exchange agents to register with the Department prior to engaging in their respective time share activities. The amendments proposed under this section would also conform section 514E-10(c), governing the filing required of a time share sales agent, to certain statutory amendments enacted in 1981 and 1982, as well as make technical corrections to this section for the purpose of style and clarity.

(6) Amending section 514E-11.2, Hawaii Revised Statutes, to provide that lawsuits filed by the Director against such person or persons engaged in activities in violation of Chapter 514E shall be expeditiously processed by the courts.

(7) Amending section 514E-12, Hawaii Revised Statutes, which governs civil penalties for violations of Chapter 514E, by (a) providing the Director with the power to issue a temporary cease and desist order to a person who the Director determines is engaging in activities in violation of the Chapter; (b) providing the Director with the power to impose a fine and suspend or revoke the registration of such person in the event of noncompliance with the provisions of the temporary cease and desist order; (c) restructuring the penalty provisions under this section to authorize the Director to impose a fine and suspend or revoke the registration of any person who is found, after notice and a hearing, to have violated any provision of the Chapter; and (d) providing the Director with discretion in determining the period of time during which a suspension or revocation order will remain in effect.

Your Committee heard testimony from the Department of Commerce and Consumer Affairs and from Frank Slocum in support of the bill.

Your Committee has amended this bill by deleting "SECTION 7. Severability." Current statutory language in section 514E-15, Hawaii Revised Statutes, provides a severability provision for this Chapter.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1540-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1540-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 681-84 Consumer Protection and Commerce on S.B. No. 1877-84

The purpose of this bill is to amend Chapter 514A, Hawaii Revised Statutes, to clarify the rescission rights of purchasers of condominiums subject to the Horizontal Property Regimes Act.

Your Committee heard favorable testimony from the HPR Committee of the Hawaii State Bar Association and the Real Estate Commissioner and made the following amendments:

(1) The last sentence in section 514A-41, Hawaii Revised Statutes, has been amended to read:

"Notwithstanding the provisions of this section, the rescission rights of a purchaser, if any, shall be governed exclusively by sections 514A-62 and 514A-63. This does not preclude a purchaser from exercising any rescission rights pursuant to a contract for sale or any applicable common law remedies."

(2) New section 514A-62(e), Hawaii Revised Statutes, has been added and reads as follows:

"(e) No obligation to purchase an apartment under any agreement for the purchase or reservation of an apartment entered into prior to the issuance of a final public report is enforceable against the purchaser under such agreement."

(3) The enforceability of sales language has been deleted from section 514A-63, Hawaii Revised Statutes, and has been replaced with the following new language:

"Rescission rights. (a) Except for any additions, deletions, modifications and reservations including, without limitation, the merger or addition or phasing of a project, made pursuant to the terms of the declaration, a purchaser shall have

the right to rescind a sale made under a binding contract if there is a material change in the project which directly, substantially, and adversely affects the use or value of (1) such purchaser's apartment or appurtenant limited common elements, or (2) those amenities of the project available for such purchaser's use."

(4) The following new language has been added to section 514A-63(b), Hawaii Revised Statutes, and reads as follows:

"...provided further that if, prior to delivery of such disclosure document, ninety days have lapsed since such purchaser has accepted the apartment, or such purchaser has occupied the apartment, then such purchaser's right of rescission under subsection (a) shall not be waived unless such purchaser shall execute the written approval or acceptance of such change as provided in the disclosure document within thirty days from the date of delivery of such disclosure document or such purchaser is deemed to have approved and accepted such change as set forth above. A copy of the form of disclosure document shall be delivered to the commission prior to delivery to purchasers."

(5) The following new language has been added to section 514A-63, Hawaii Revised Statutes. Subsection (d) reads as follows:

"(d) This section shall not preclude a purchaser from exercising any rescission rights pursuant to a contract for sale or any applicable common law remedies."

(6) Section 514A-66 has been repealed.

The original purpose of this section is unclear. If its purpose was to give purchasers who entered into non-binding contracts a right to a refund, it was unnecessary since §514A-62 already contained such a right. This section may have been intended, instead, to protect purchasers who entered into binding contracts on the basis of preliminary public reports from being bound under the contracts for unlimited periods of time. As this bill amends other sections of Chapter 514A to provide clearer restrictions on such binding contracts before issuance of final public reports, there is no longer any need for section 514A-66.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1877-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1877-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 682-84 Consumer Protection and Commerce on S.B. No. 1702-84

The purpose of this bill is to require all insurers to issue for each motor vehicle a no-fault decal showing the existence of a current no-fault policy.

Your Committee finds it necessary to deal with the problems caused by uninsured motorists who comprise approximately 19.4 per cent of drivers in Hawaii. This minority of drivers who refuse to obtain the motor vehicle insurance coverage required under the law, exercise the privilege of driving without assuming the concomitant responsibility to obtain and maintain valid no-fault insurance. These uninsured motorists pose a threat to the rest of society.

Your Committee is aware that this decal system is not foolproof. There may be instances in which a person could possess a decal without being covered by an effective no-fault policy. However, the prospect of increased compliance with the no-fault insurance law, which this bill is aimed at accomplishing, justifies implementation of a decal system.

Some of the provisions in this bill are as follows:

(1) To provide that failure to display the no-fault identification card or decal as required under section 294-8.5, Hawaii Revised Statutes, shall be prima facie evidence of a violation of this section.

(2) To provide that the decal shall have included a large number signifying the month of expiration of the no-fault policy, and shall be of such size, color,

and print size as determined by the commissioner by rule adopted pursuant to Chapter 91. The insured shall affix the decal to the center top interior of the front windshield of the insured motor vehicle.

(3) To provide that this section shall not apply if the insured is engaged in a business as a licensed automobile dealer.

(4) To provide that nothing herein prohibits an insurer at its discretion from accepting at its discretion a lesser amount of premium and issuing a policy.

(5) To provide that any insurer or agent thereof who violates this section shall be subject to a fine of not less than \$1,000 nor more than \$10,000.

(6) To provide that section 294-9(b)(2) shall not apply to the subsequent renewal of the policy with the same insurer.

(7) To provide that the insured shall return the no-fault identification decal if the policy is canceled before the end of the policy period.

(8) To provide that if the premium has been prepaid, the insurer may withhold the unearned portion of the premium until the decal has been returned.

(9) To provide that such a violation for failure to display a no-fault decal shall be subject to a fine of not less than \$350, \$200 of which shall be deposited into the General Fund, and the balance to be deposited into the Assigned Claims Fund.

(10) To provide that this bill shall take effect on January 1, 1986, provided that any provision of the Insurance Commissioner concerning the adoption of rules shall take effect upon approval.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1702-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1702-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 683-84 Consumer Protection and Commerce on S.B. No. 2087-84

The purpose of this bill is to limit the amount of interest that may be charged on certain agreements of sale under chapter 478, Hawaii Revised Statutes, and to eliminate the "drop dead" provisions in chapters 408 and 478, Hawaii Revised Statutes.

Your Committee heard favorable testimony from the Hawaii Bankers Association, the Retail Merchants of Hawaii, the Hawaii Consumer Finance Association, and the Hawaii League of Savings Institutions.

Testimony in opposition was offered by the Land Research Foundation of Hawaii and the Hawaii Association of Realtors. The opposition was raised with respect to the proposed amendment to section 478-8(e)(2), Hawaii Revised Statutes, which seeks to limit the interest rate charged upon the extension or renegotiation of an agreement of sale.

The Hawaii Association of Realtors testified that a two per cent limit on increases in interest rates chargeable under renegotiated agreements of sale would create a severe hardship upon vendees. Vendors forced into an unacceptable interest rate during renegotiation on an extension would probably choose to call the balloon payment due. Accordingly, this would make it difficult for the vendee to re-finance the agreement of sale and thereby defeat the purpose of the amendment.

Your Committee, upon further consideration, has made the following amendment to page 15, lines 13 through 20:

(1) "... any rate of interest charged under the agreement of sale shall not be more than two per cent above the highest rate of interest charged under the loan or loans at the time the agreement of sale is extended or renegotiated, or two per cent over the rate originally specified in the agreement of sale, whichever is greater."

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2087-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2087-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 684-84 Consumer Protection and Commerce on S.B. No. 1867-84

The purpose of this bill is to amend certain provisions of the Horizontal Property Regimes Act as follows:

(1) Provide for separate metering of utilities. The boards of many condominium projects want to separately meter the utilities provided to each apartment in their project, or to separately meter the commercial units. This desire is motivated by rising utility costs which require substantial maintenance fee increases. This problem is particularly severe in projects with central air-conditioning systems. Substantial savings can be made by separately metering apartments and by making the apartment owners individually responsible for the actual cost of the utilities used by their apartments. However, it is presently unclear whether boards have the power to separately meter apartments. In light of the absence of any statutory provision and the significant initial cash outlay, a number of condominium projects have refrained from separately metering their projects for fear that this investment might be lost in the event of legal challenge.

(2) Deletes the requirement that at least one-third of the directors' terms expire annually. Section 514A-82(1), Hawaii Revised Statutes, presently states that the terms of at least one-third of the directors of each condominium association must expire annually. This has been problematic for condominium associations that have attempted to reduce the number of board members to less than nine because of difficulties in obtaining a quorum. The standard number of years served by directors is three years and it is difficult for one-third of the three year terms on a board having less than nine members to expire annually. Therefore, a number of associations have been unable to reduce the number of directors on their boards as desired and a number of other associations have had to reduce the terms of the directors to two years in order to be permitted to reduce the number of board members. This bill eliminates this problem.

(3) Clarify that no director shall vote by proxy at any board meeting on any issue as to which he has a conflict of interest. Directors should not be able to vote by proxy because they might have changed their vote had they been present and participated in the board discussion regarding the particular issue in question.

(4) Establishes procedures for the use of proxies at association meetings. Confusion has arisen at association meetings as to the validity of proxy forms not created by the association. The purpose of this amendment is to specify the items which must be in any proxy and to require that proxies be delivered at least two business days prior to the meeting to which they pertain, so as to avoid the confusion which occurs at association meetings when it is necessary to count and determine the validity of proxies delivered at the start of the meeting.

(5) Clarifies the requirements for improvements to condominium projects. Section 514A-89, Hawaii Revised Statutes, pertains to what additions and improvements may be placed upon a condominium project and is ambiguous at present. This causes confusion regarding what types of additions and improvements may properly be made. The bill is particularly important for townhouse and detached dwelling type condominium projects, since owners of those types of units quite frequently desire to make improvements that would be acceptable to their boards.

(6) Relieves associations of responsibility for certain arrearages on apartments voluntarily transferred to new owners. Section 514A-91, Hawaii Revised Statutes, presently provides that condominium associations must provide a statement upon request as to the outstanding balance of accounts pertaining to units in the process of being sold. Condominium associations are currently in a difficult position because they are forced to give such statements and are then barred by such statements from liening the property in the event that any portion of the amounts indicated in such statements are subsequently dishonored. The amendment enables associations to avoid this problem if they provide itemized notice to the purchaser as to what portions of the amounts stated therein were received by

check within the previous 30 days. Once a potential purchaser has received such notice, he or she is in a position to delay the close of escrow as necessary to ensure the clearance of such funds or to demand such other adequate assurances as are necessary from the seller.

(7) Amends the caption and the text of Section 514A-92, Hawaii Revised Statutes, so as to clarify its intended purpose.

Your Committee heard testimony from the HPR Committee of the Hawaii State Bar Association in support of portions of this bill. The HPR Committee also stated its reasons for opposing other portions of this bill, some of which have been resolved in the herein proposed amendments.

Your Committee, upon further consideration, has made the following amendments:

(1) Section 514A-82(14), Hawaii Revised Statutes, has been amended to read:

"A director shall not [vote or] cast any proxy vote at any board meeting, nor shall a director vote at any board meeting on any issue in which he has a conflict of interest."

(2) A new section 514A-82(18) has been added and reads as follows:

"No resident manager, or managing agent shall solicit, for use by such manager or managing agent, any proxies from any apartment owner of the association of owners which employs him, nor shall he cast any proxy vote at any association meeting except for the purpose of establishing a quorum. No member of a board of directors who uses association funds to solicit proxies, shall cast any proxy votes for the election or reelection of board members at any association meeting unless the proxy form specifically authorizes the board member to vote for the election or reelection of board directors."

(3) New section 514A-82(19), Hawaii Revised Statutes, has been amended to provide that all association and board of director meeting shall be conducted in accordance with the most current edition of Robert's Rules of Order.

(4) Section 514A-83.2, Hawaii Revised Statutes, has been amended to provide that a proxy must be delivered at least one business day prior to the date of the meeting to which it pertains.

(5) On page 8, line 3, the language ", time and place" has been deleted between the words "date" and "of".

(6) Section 514A-83.2(c), Hawaii Revised Statutes, has been amended to read:

"Proxies may be given to the board of directors as an entity."

(7) Section 514A-83.2(d), Hawaii Revised Statutes, has been added and reads as follows:

"Nothing in this section shall affect the holder of any proxy under a first mortgage of record encumbering an apartment or under an agreement of sale affecting an apartment."

Your Committee has made nonsubstantive changes to the bill, in order to incorporate the new proposed language into this bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1867-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1867-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 685-84 Consumer Protection and Commerce on S.B. No. 1868-84

The purpose of this bill is to allow the board of directors of a condominium project greater flexibility in use of the common elements.

Under current law, apartment owners may only use the common elements in accordance with the purpose for which they were intended. Thus, boards of directors of the condominium projects are unable to utilize unused common elements for useful purposes.

This bill will allow the board of directors, upon the approval of the owners of seventy-five per cent of the common interests, to change the use of the common elements.

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

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1868-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1868-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 686-84 Consumer Protection and Commerce on S.B. No. 1694-84

The purpose of this bill is to amend the Uniform Securities Act (Modified) to require the registration of investment advisers.

Currently, Hawaii law does not require investment advisers to disclose information which would be subject to review before granting them the right to conduct their business or submit periodic reports of their business activities. Therefore, there is no means by which persons with criminal records, bad business repute, or financial instability can be prevented from operating in this State.

Although investment advisers are presently required to register with the U.S. Securities and Exchange Commission (SEC) to disclose certain information, and to keep complete business records for a period of five years, the SEC is unable to adequately protect the public due to the large number of investment advisers it must oversee. Due to this problem, thirty-six states have enacted statutory provisions requiring the registration and regulation of investment advisers.

Your Committee is aware that the Department of Commerce and Consumer Affairs' concern over these added responsibilities may necessitate the hiring of an additional securities examiner to review, audit, and investigate applications and complaints. The bill provides that the investment adviser's application shall be subject to the same scrutiny as broker/dealers' and salespersons' applications which permits the commissioner to conduct an investigation of an applicant when substantive errors or omissions are found. The bill also provides for coordination of investigations and examinations with the SEC to avoid unnecessary duplication of efforts.

This bill also includes the following provisions:

1. An investment adviser applicant would be required to take an oral or written examination, or both, to test the applicant's knowledge of securities.
2. An applicant would be required to file an application for registration with the State Commissioner of Securities accompanied by an irrevocable written consent for service of process.
3. The investment adviser would be required to post a bond in the sum of \$10,000 and to have business insurance of not less than \$5,000,000.
4. A minimum capital requirement of not less than \$10,000 would be imposed on investment advisers.
5. Investment advisers would be required to maintain complete business records for a period of three years and these are open to inspection by the Commissioner.
6. The investment adviser would be required to pay an initial registration fee and a biennial renewal fee.

7. Applicants registering may be required to publish an announcement of the application in one or more newspapers of general circulation in this State.

8. Upon the finding of errors in a registration statement or filing of complaints, the Commissioner may deny or revoke an investment adviser's registration.

Your Committee has amended this bill to clarify that the required \$5,000,000 insurance requirement for investment advisers shall be for an errors and omissions policy rather than a fidelity policy. Another change is to the provision for announcements of applications in the new subsection 485-14(1), Hawaii Revised Statutes. The change is to permit the adoption of rules which may require an individual applicant to publish a notice in a newspaper of general circulation rather than imposing this burden on an entire class of applicants such as broker/dealers. This permits the Commissioner to select those applicants for which this requirement may be justified.

Your Committee has further amended the bill by clarifying the exemption for insurance licensees from the restriction on the receipt of commissions and has extended the same treatment to real estate licensees. The exemption is further clarified to permit the receipt of commissions permitted under his license only when the client is not currently or is not anticipated to be a client subject to an investment advisory contract with the licensee. This clarification also restores the previous language to subsection 485-25(c)(1), Hawaii Revised Statutes, and the subsequent clarifying language in the subsection which would have an adverse effect on mutual funds and existing investment advisory contracts.

Your Committee has added a further prohibition in SECTION 7 on the conduct of investment advisers who may try some method to circumvent the restrictions in subsection 485-25(c), Hawaii Revised Statutes. Methods of circumventing the restrictions would include, but would not be limited to, the use of referral fees or diversion of commissions to related business entities in which the investment adviser has a proprietary interest or is employed. Related business entities may include trusts, joint ventures, partnerships, or corporations intermingled with one another, brother-sister corporations, parent-subsidiary corporations, interlocking directorships of officers, or business entities held by family members or friends of the investment adviser. An indication of a related business may include the use of identical or similar words or names in the business name of the investment adviser and the related business entity.

Your Committee has also provided in Sections 8 and 9 of this bill a change to the definition of "security" to include variable annuity contracts. This change in the definition will permit the securities commissioner to more effectively monitor the activities of securities broker/dealers and securities salespersons who now offer these financial products. The classification of variable annuity contracts as an exempt security in Section 485-4(15), Hawaii Revised Statutes, will preclude the necessity for the issuer of the security to register with the Commissioner. This exclusion from registration is justified because issuers are primarily insurance companies which are closely regulated by the state Insurance Commissioner.

Your Committee has also modified the effective date for the portions of the bill relating to investment advisers so as to take effect on October 1, 1984. This change will permit the Department of Commerce and Consumer Affairs to promulgate rules in this area and will permit the securities examiner to prepare for the review process and procedures for investment advisers.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1694-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1694-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 687-84 Consumer Protection and Commerce on S.B. No. 1562-84

The purpose of this bill is to amend Section 26-9, Hawaii Revised Statutes, to empower attorneys hired by the Department of Commerce and Consumer Affairs to exercise the authority granted to the attorney general and county attorneys under Section 92-51, Hawaii Revised Statutes. The bill also amends Section 92-17, Hawaii

Revised Statutes, to clarify the authority of various boards and commissions to impose fines in appropriate disciplinary cases.

Section 92-51, Hawaii Revised Statutes, provides for the availability of public records for public inspection except in certain instances. This bill would allow attorneys retained by the Department to represent it in cases involving records and documents within the custody and control of the Regulated Industries Complaints Office. It was noted that upon occasion the Department is the subject of a subpoena duces tecum, making such representation necessary by the deputy attorney generals assigned to the department. Passage of the bill would contribute to the departmental efficiency of the Regulated Industries Complaints Office.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1562-84 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 Baker.

SCRep. 688-84 Consumer Protection and Commerce on S.B. No. 2157-84

The purpose of the bill is to amend section 460J-1(5), Hawaii Revised Statutes, to clarify the term "pest control operator" by redefining it to mean a person who holds himself out as being able to undertake or practice pest control with or without compensation.

Under the present law, a "pest control operator" is defined as a person who practices pest control as a business and for a fee. This definition allows a person to practice pest control if it is not his prime occupation or if he does it for free.

Your Committee heard testimony from the Department of Commerce and Consumer Affairs that many unqualified and unlicensed persons (such as carpet cleaners and home improvement contractors) offer pest control services in connection with their prime occupation. Since these services are either offered free or pest control is not the entrepreneurs' primary business, these persons feel that they can provide pest control services without first obtaining a pest control operator's license.

Your Committee finds that the new definition of "pest control operator" will make it clear that anyone who practices pest control by the use of general or restricted chemicals for the control or eradication of household pests must obtain a pest control operator's license. Requiring licensure of all those who perform pest control work would be in the best interest of the public as there would be some assurance that the persons working with chemicals are properly qualified.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2157-84, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 689-84 Judiciary and Health on S.B. No. 761

The purpose of this bill is to reschedule methaqualone from a Schedule II to a Schedule I controlled substance, under section 329-14, Hawaii Revised Statutes, and to reschedule the combination hydrocodone and phenyltoloxamine from a Schedule III to a Schedule II controlled substance under section 329-16, Hawaii Revised Statutes.

Under present law, methaqualone, commonly referred to as Quaaludes, is a Schedule II controlled substance. Hydrocodone, the generic substance of Tussionex, a cough medication, is a Schedule II controlled substance.

Your Committees have heard testimony from the Department of Health and the Hawaii Medical Association in support of this bill.

Your Committees find that there has been widespread abuse of methaqualone which has resulted in numerous deaths and overdose cases throughout the country. As a result, several states have enacted legislation to reschedule methaqualone to Schedule I in order to provide more stringent penalties against its

illegal distribution and consumption. The Committees were also informed that the manufacturer of Quaaludes has ceased its production of the substance.

Following examination of the proposed rescheduling of Tussionex, your Committees contacted the proponents of the measure to clarify statutory language proposed in section 2 of the bill. The proponents are presently in disagreement on which element under Schedule III could be rescheduled to Schedule II without affecting other substances which should remain under Schedule III. Therefore, your Committees find that the Department of Health and the parties concerned should conduct further study on how to clearly reschedule Tussionex.

Your Committees have amended the bill as follows:

- (1) Section 1 has been expanded by setting forth section 329-14 in its entirety to add a new subsection (e) to indicate the rescheduling of methaqualone.
- (2) Section 2 has been deleted.
- (3) Sections 3, 4, 5, and 6 have been renumbered 2, 3, 4, and 5, respectively.

Your Committees on Judiciary and Health are in accord with the intent and purpose of S.B. No. 761, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 761, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Baker, Hagino and Jones.

SCRep. 690-84 Judiciary on S.B. No. 1725-84

The purpose of this bill is to allow a holdover member of a board or commission to continue in office until a successor is nominated and appointed. The bill also provides that the holdover member shall not be allowed to continue in office beyond the end of the second regular legislative session following the expiration of the member's term of office.

Your Committee finds that the bill, as received, would allow for a member's term of office to extend beyond eight years. However, the intent of the proposed amendment to section 26-34, Hawaii Revised Statutes, is to allow any member of a board or commission whose term has expired and who is not disqualified for membership to serve only two years beyond the member's four-year appointment. Accordingly, your Committee has amended the bill by changing the word "qualify" in page 2, line 6, to "disqualify" to clarify the legislative intent.

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

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1725-84, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1725-84, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 691-84 Judiciary on S.B. No. 1854-84

The purpose of this bill, as received, is to establish for legislative investigating committees a procedure for the maintenance of confidential records, the prohibition of the disclosure of confidential records, and the destruction of confidential records. The bill also provides that information deemed confidential shall not be made public unless authorized by a majority vote of all of the members of the investigation committee for legislative purposes if the committee is in existence, or unless its use is required for judicial purposes subject to the provision prohibiting the disclosure of confidential records.

This bill specifically provides that all materials received by or for an investigative committee through means other than a public hearing and all working papers of the investigative committee, which are not presented at a public hearing, shall be stored as confidential records by the Legislative Reference Bureau and shall be destroyed in 10 years. Confidential records cannot be released or

disclosed except by written request of the President of the Senate or Speaker of the House.

Your Committee finds that past experience have proven that members of the public have been reluctant to provide legislative investigative committees information where public confidences will not be preserved. This bill will provide the assurance that confidential communications will not be disclosed.

Your Committee has made minor amendments to the bill for purpose of clarity and style.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1854-84, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1854-84, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 692-84 Finance on S.B. No. 1841-84 (Majority)

The purpose of this bill is to create a noncontributing benefit plan for certain members of the Employees' Retirement System (ERS).

Currently, public employees contribute seven and eight-tenths per cent of their gross salaries to the Employees' Retirement System, and most contribute an additional six and seven-tenths per cent to the Social Security System. In practical terms, this contribution results in retirement benefits which generally exceed final take-home pay while employed and is costly to both employers and employees alike. These costs are expected to increase in the future, and viewed together with the low take-home pay ratio already experienced by most public workers, indicate that the system is inefficient and needs to be substantially changed.

The noncontributory benefit plan proposed in this bill will address the problems inherent in the system by doing the following: (1) increasing employees' takehome pay; (2) providing a typical career public employee with combined system and Social Security benefits substantially equivalent to the employee's preretirement income; (3) giving present members of the system a choice of benefit plans; (4) making the system more tax efficient; (5) enhancing the opportunities for more individualized retirement planning; and (6) ultimately simplifying the administration of the system.

Your Committee has amended this bill by delineating certain requirements under HRS section 88-103. Presently, under HRS section 88-103 the board of trustees of the State retirement system must publish an annual report. Your Committee has amended this section to require the board of trustees to include in this report a comparison of both the investment performance and funded ratio of the state system with the performances and ratios of public employee retirement systems in other jurisdictions.

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1841-84, 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. 1841-84, S.D. 2, H.D. 2.

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

SCRep. 693-84 Finance on S.B. No. 285

The purpose of this bill is to extend the statute of limitations currently provided to claimants under the Hawaii no-fault law. This bill amends HRS section 29436(a) to permit suit to be brought on a no-fault contract within two years after the entry of a final judgment in a tort action arising out of a motor vehicle accident, where a cause of action for insurer bad faith arises out of the tort action. This bill also amends HRS section 294-36(b) to permit an action in tort to be brought within two years after the date of the last payment of worker's compensation or public assistance benefits from the motor vehicle accident.

Your Committee finds that this amendment seeks to end current discriminatory statutory language by providing the same deadline for all individuals irrespective of the type of benefit they may be receiving.

Your Committee has amended this bill to make a nonsubstantive correction.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 285, 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. 285, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 694-84 Finance on S.B. No. 423

The purpose of this bill is to provide for a comprehensive system for mental health and substance abuse services, including the establishment of a state council on mental illness and substance abuse and local service area boards to advise each community mental health center.

Your Committee finds that federal guidelines, which have provided direction for the State in delivering and developing mental health and substance abuse services, were repealed by the Congress in 1981, leaving the responsibility for Hawaii's mental health system with the State. This bill would return needed direction to the system and place clear priority on providing needed services in the least restrictive and most appropriate setting possible.

In accomplishing these ends, the bill ensures strong consumer input in the system by establishing a state council and local boards. The spectrum of services to be included in a community mental health system are also defined. Finally, the powers and duties of the department of health in developing and administering this system are set forth.

Your Committee has made technical nonsubstantive amendments.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 423, 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. 423, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 695-84 Finance on S.B. No. 2248-84

The purpose of this bill is to amend HRS section 46-15 to allow a county, through a designated county agency or official, to submit to its county council preliminary plans and specifications for certain housing projects to obtain certain exemptions from existing county statutes, ordinances, and regulations.

Section 46-15 created broad authority for the counties to develop experimental and demonstration housing projects to meet the need for affordable housing. The current statute requires submittal of final plans, rather than preliminary plans, to the respective county council. Final plans and specifications are both costly and time consuming to prepare and do not provide a significantly increased level of information to the council on which to base a determination regarding requested exemptions. In other words, submittal of preliminary plans, which contain the requested exemptions, provides adequate information to the council from which exemption decisions may be made.

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2248-84, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2248-84, H.D. 2.

Signed by all members of the Committee.

SCRep. 696-84 Finance on S.B. No. 1734-84

The purpose of this bill is to provide an increase in the fees paid to sheriffs, police officers, and other serving or levying officers for service of process. This bill will increase: (1) the fee for serving civil summons or any other civil process, except a subpoena or a garnishee summons, from \$7.00 to \$10.00 effective July 1, 1984, (2) the fee for serving subpoena or garnishee summons, from \$5.00 to \$7.00, and (3) the amount charged for every mile of travel in serving any process from 18 cents to 20 cents.

The costs and fees provided under present law have not been raised since 1979 while the general cost of living has risen. The increased costs and fees will reimburse sheriffs, police officers, and other serving and levying officers for their out-of-pocket expenses.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1734-84, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 697-84 Finance on S.B. No. 941 (Majority)

The purpose of this bill is to allow General Motors dealerships in the State of Hawaii to file claims for an income tax credit equal to use tax refunds otherwise barred by the statute of limitation set forth in HRS sections 237-40, 238-7, and 238-13.

Your Committee finds that for many years General Motors dealerships were paying the one-half of one percent use tax on vehicles brought into the State for resale while the General Motors Overseas Distribution Corporation was also paying the same use tax, and that the dealerships were not liable for the taxes paid and should be compensated for the overpayment.

Your Committee has amended this bill to allow the tax credit for taxes paid for years 1973 through 1977 and to limit claimants to the original dealerships that made payments during the 1973-1977 period.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 941, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 941, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 698-84 Finance on S.B. No. 1744-84 (Majority)

The purpose of this bill is to extend the existence of the Board of Medical Examiners to December 31, 1990, and to amend the current three-year residency training requirement for foreign medical graduates to two years.

Your Committee on Finance concurs with the findings of your Committee on Consumer Protection and Commerce in Stand. Com. Rep. No. 605-84.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1744-84, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

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

SCRep. 699-84 Finance on S.B. No. 1890-84

The purpose of this bill is to amend Act 62, Session Laws of Hawaii 1982, by:

(1) Adding a new Section 5 to the Act, thereby allowing the department of land and natural resources to develop, or assist in the development of, a residential subdivision for persons with long-term leases in the Big Island community of Milolii-Hoopuloa and

(2) Extending the expiration date of the authorization of the department to negotiate and enter into lease agreements with residents in the Milolii-Hoopuloa area.

Act 62 authorized the department to negotiate and enter into long-term residential leases not to exceed 65 years for persons meeting the provision of the law. Presently, the authority set forth in the Act expires when leases are negotiated and recorded or on January 1, 1985, whichever comes first. This bill extends the expiration date of the authorization of the department to negotiate and enter into lease agreements on January 1, 1987, or when leases are negotiated and recorded, whichever comes first.

Your Committee concurs with the recommendations embodied in House Standing Committee Report No. 585-84.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1890-84, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 700-84 Health and Energy, Ecology and Environmental Protection on
S.B. No. 1512-84

The purpose of this bill, as received, is threefold: (1) to enable the Department of health to adopt changes made by the federal government to pesticide tolerances and action levels for food contaminants without regard to the procedural requirements of Chapter 91, Hawaii Revised Statutes; (2) to give the Department of health authority to require a person to keep records, with regard to the procedural requirements of Chapter 91, relating to the manufacture, distribution, or sale of consumer commodities; and (3) to clarify that penalties imposed under Chapter 322 and 328, Hawaii Revised Statutes, may be imposed by the Director of Health and not the courts.

Your Committees find that pesticide tolerances and action levels for food contaminants are continuously being revised by the federal government pursuant to 40 Code of Federal Regulations, Part 180, "Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities," and the United States Food and Drug Administration Compliance Policy Guides. Since revisions may occur weekly, it is not feasible for the Department of Health to adopt each revision pursuant to Chapter 91, Administrative Procedure, Hawaii Revised Statutes.

Your Committees find that a delay in adopting revised tolerances or action levels may have an adverse impact on the health and welfare of the consumer. Thus, to facilitate the protection of the public's health and welfare, the Department should be allowed to adopt new federal standards without regard to the time-consuming procedural requirements of Chapter 91.

Presently, the Department of Health has authority to demand records relating to the manufacture, distribution, and sale of consumer commodities, but lacks the authority to require that such records be kept. The Department has testified to the need for this authority in instances of contamination of a commodity. Your Committee finds that a record-keeping requirement is essential in ensuring that information contained in manufacturing records is made available to determine the cause of a contamination, to prevent future contamination, and to enable the effective recall of a contaminated commodity. This bill requires that the Director of Health adopt rules in order to require the keeping of records.

Your Committee on Health and your Committee on Energy, Ecology, and Environmental Protection are in accord with the intent and purpose of S.B. No. 1512-84, 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 Committees except Representative Baker.

SCRep. 701-84 Education and Judiciary on S.B. No. 2205-84

The purpose of this bill is to permit the chief election officer of the State to adjust the departmental school districts as defined in section 13-1, Hawaii Revised

Statutes (HRS), in terms of representative districts to conform to the new districting scheme of a reapportionment plan.

Under present law, departmental school districts are defined in terms of the representative districts of the districting scheme under which the 1980 elections were held. Therefore, after each new reapportionment of the State, the law must be updated to reflect the current representative district numbering and geographic scheme. This bill would obviate this necessity by allowing the Lieutenant Governor, who is the chief election officer, by proclamation to designate the representative districts that comprise the departmental school districts.

Your Committees find that handling the problem of continually having to redefine the definitions of the departmental school districts administratively, rather than statutorily, is more efficient and therefore preferred. Moreover, because the discretion granted to the chief election officer is limited by specifying that the new departmental school districts have to be similar to the ones presently described in section 13-1, HRS, your Committees believe that stability and consistency will result.

Your Committees have made a technical, non-substantive amendment to this bill.

Your Committees on Education and Judiciary are in accord with the intent and purpose of S.B. No. 2205-84, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2205-84, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Baker.

SCRep. 702-84 Health on S.B. No. 1517-84

The purpose of this bill is to clarify statutory language relating to the responsibilities of the Department of Health in providing for programs servicing handicapped children, and to eliminate references to outdated federal statutes, rules, and regulations under which federal financial assistance for such programs may be obtained.

Your Committee finds that this bill deletes an existing citation of federal statutes that have been superceded by the institution of federal block grants. Specifically, federal amendments were made in 1981 involving the Title V, Maternal and Child Health Services Block Grant program. Rather than continuing to cite in state law a particular piece of federal legislation, which may itself change, the general terminology of "applicable federal legislation" has been proposed under this bill to substitute for the current citation. Other proposed amendments update this section to the current language style used in the Hawaii Revised Statutes.

Your Committee finds that the changes proposed under this bill are minor in nature, and will make it easier for the Department of Health and the State to respond to changes made in enabling the legislation for federal funding of services for handicapped children.

Your Committee on Health is in accord with the intent and purpose of S.B. No. 1517-84 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 Baker.

SCRep. 703-84 Health and Judiciary on S.B. No. 934

The purpose of this bill is to establish statutory guidelines for the handling and retention of medical records.

Your Committees find that current laws are silent on the question of how long patient records must be retained and the manner in which such records are to be handled. This concerns health care providers who currently retain voluminous amounts of patient records for fear that destroying these records may result in liability for malpractice, recognizing that a person's medical history can play an important part in diagnosing and treating present ailments.

This bill addresses the problem by: 1) requiring the retention of medical records for a period of ten years after the last data entry, except for minors; 2) specifying that records may be computerized or photographically reduced to facilitate storage; 3) allowing the destruction of records after the ten-year retention period or reduction of records as long as basic information is retained; and 4) making provisions in the case of a succession or discontinuation of a health care provider.

During the 1983 interim, interested parties to this bill met to discuss the issues remaining unresolved at the close of the 1983 Regular Session. In receiving and deliberating the recommendations of this ad hoc group, your Committees have amended the retention period for patient records from ten to seven years. This change is reflected on page 2, lines 17, 20 and 21.

Your Committees have further amended this bill by specifying on page 3, line 12 that health care facilities must retain special study reports, rather than special study results, as part of their patients' basic information. This amendment would preserve the reported findings of special studies while allowing bulky X-ray and CAT-scan plates and other intermediate documentation to be disposed.

Your Committees have also amended and simplified the bill's procedure concerning the disposition of patient records by a discontinuing health care provider, such as a facility terminating its business operations, by requiring that those records be returned to patients at their last known address.

Your Committees on Health and Judiciary are in accord with the intent and purpose of S.B. No. 934, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 934, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Baker.

SCRep. 704-84 Health and Judiciary on S.B. No. 1516-84

The purpose of this bill is to require the preparation of a new birth certificate when a court determines that the parent shown on the birth certificate is not the parent of the child. The bill also clarifies the Hawaii Revised Statutes by including in one section all of the circumstances in which a new birth certificate is to be prepared.

Your Committees find that in cases where a man who has previously been identified as the father of a child is later proven not to be the father and no subsequent legitimation occurs, the name of the man who has been proven not to be the father remains on the child's birth certificate, resulting in confusion, embarrassment, or even legal action. This bill would rectify the situation by enabling the Department of Health to issue a new birth certificate reflecting the determination that a parent-child relationship does not exist between the parent(s) identified on the original certificate and the birth registrant.

Your Committees also reviewed testimony from the U.S. Marshals Service, District of Hawaii, that the existing statute does not adequately protect persons provided new identities under the Federal Witness Protection Program. As recommended by the agency, your Committees have therefore amended this bill to provide that a new birth certificate created at the request of a law enforcement agency, for such purposes as, for example, providing a new identity for a protected witness, shall be issued a new file number, and that the person's original birth certificate shall remain on file. A technical, nonsubstantive amendment was also made on page 3, line 23.

Your Committee on Health and your Committee on Judiciary are in accord with the intent and purpose of S.B. No. 1516-84, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1516, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Baker.

SCRep. 705-84 Transportation and Consumer Protection and Commerce on S.B. No. 2056-84

The purpose of this bill is to degender language in Section 462A-19, Hawaii Revised Statutes.

Your Committees received testimony that the language of Section 462A-19(1), Hawaii Revised Statutes, does not include all fishing vessels licensed or enrolled under the laws of the United States. In particular, those fishing vessels traveling between Hawaii ports and ports of foreign countries are not "engaged in trade between ports of the United States of America", thus are not covered by Section 462A-19(1).

Therefore, your Committees have amended section 1 of the bill to add a new paragraph (4) following page 1, line 12 of the bill which would exempt "fishing vessels licensed or enrolled under the laws of the United States of America" from Chapter 462A. This would, in essence, return the bill to its original form and would conform it to the substance of H.B. No. 2249-84 which was previously reported out by your Committees.

Your Committees have also made a technical amendment to conform the bill to recommended bill drafting style.

Your Committees on Transportation and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 2056-84, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2056-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Baker.

SCRep. 706-84 Corrections and Rehabilitation on S.B. No. 1450 (Majority)

The purpose of this bill is to specifically allow the chairperson of the Hawaii Paroling Authority to serve in that capacity for more than two consecutive four-year terms and to allow that person to remain a member on the paroling authority for more than eight consecutive years. These extensions on the chairperson's tenure will enable the Hawaii Paroling Authority to achieve continuity in leadership and to hereby carry out its functions more effectively and efficiently.

Your Committee received testimony explaining that the chairperson of the Hawaii Paroling Authority must be able to develop positive working relationships with a broad range of people and organizations. For example, he or she must be able to gain the respect of the inmates, work closely with the administration and staff of the Corrections Division, work in tandem with the other criminal justice agencies in furtherance of their objectives, while at the same time, being both sensitive and responsive to the sentiments of the entire community.

Your Committee recognizes that it requires a great deal of time, effort and patience to successfully cultivate these relationships and, if a Chairperson has been able to gain the respect and cooperation of these diverse groups through consistent and fair policies, compassion for the needs of the inmates and their families, and the capacity to make very difficult decisions under trying circumstances, the removal of that person simply for the sake of change neither benefits the criminal justice system nor the community.

Your Committee is amending this bill to specifically allow the Chairperson of the Hawaii Paroling Authority to serve in that capacity for an additional two years, upon completion of his two consecutive four-year terms and to allow that person to remain a member on the paroling authority for no more than ten consecutive years.

These extensions of the Chairperson's tenure will enable the Hawaii Paroling Authority to achieve continuity in leadership and to hereby carry out its functions more effectively and efficiently.

Your Committee on Corrections and Rehabilitation is in accord with the intent and purpose of S.B. No. 1450, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1450, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.
(Representative Ikeda did not concur.)

SCRep. 707-84 Higher Education and the Arts on S.B. No. 1765-84

The purpose of this bill is to provide for four-year terms for all members of the University of Hawaii Board of Regents.

Your Committee is aware that presently, the Board is comprised of 11 members, 9 who serve four-year terms and 2 who serve two-year terms. Your Committee is further aware that previously, the Legislature believed that the two-year terms would benefit the Board. According to Standing Committee Report No. 442 from the Senate Committee on Higher Education, Regular Session of 1971:

. . . these (two-year) terms will broaden the field of capable, interested people who would contribute much to the Board of Regents, but who are unable or unwilling to assume the commitment that a four-year appointment would require.

Testimony before your Committee from a member of the present Board, however, indicates two years is an insufficient interval of time for a Regent to make a significant contribution to the University. According to the Board member's testimony:

Typically, it has taken a freshman Regent at least a year to fully understand the complexities of the University, the procedures under which the governing board must operate, and most important, to develop a sense of direction from which they can then begin to provide, in their assessment, meaningful contributions to the Board and the University.

Based upon the above testimony, your Committee agrees it is necessary to provide four-year terms for all members of the Board. Furthermore, it is the intent of your Committee that the current two-year term Board members are included within the provisions of this bill. The Committee intends that the two current Board members holding two-year appointments shall have their terms extended an additional two years.

Further, your Committee would like to reaffirm the original intent of S.B. No. 194, which expanded the Board's membership from 9 to 11 during the 1971 State Legislature. By adding the two two-year term Regent positions, the 1971 Legislature intended to attract younger members of this community who were beginning to establish careers, those furthering their education and retirees who wished to serve without the commitment of a four-year term.

With regard to younger members, according to Standing Committee Report No. 442 from the Senate Committee on Higher Education, Regular Session of 1971:

Persons who have very recently graduated from the University, who have been recently involved with the evolution of the University from the perspective of a student, who are still in touch with the realities of the institution, rather than the illusions of what once was, and whose friends are still students at the University, can provide a vast amount of valuable insight into the direction of the University System, and can enhance significantly the role of the Board of Regents.

Your Committee would like to reaffirm strongly another intent of S.B. No. 194, which was to have more women serve on the Board. According to Standing Committee Report No. 853 from the House Committee on Higher Education, Regular Session of 1971:

. . . at least one woman member should be included on the Board. There are many women who are amply qualified and some of them are able to devote more time than their counterparts.

Standing Committee Report No. 442 from the Senate Committee on Higher Education, Regular Session of 1971, further noted, without women members, the Board "cannot hope to be representative of the community which it serves."

Your Committee on Higher Education and the Arts is in accord with the intent and purpose of S.B. No. 1765-84, 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. 708-84 Energy, Ecology and Environmental Protection; and Water,
Land Use, Development and Hawaiian Affairs on S.B. No.
1878-84

The purpose of this bill is to allow the Hawaii Natural Energy Laboratory (NELH) to expand its activities from current research and development to include commercial activities.

This bill seeks to enable projects currently progressing at the research level at the Natural Energy Laboratory of Hawaii to be expanded into a commercial scale at the Laboratory. This would facilitate the difficult transition of research into commercialization, while creating income for the State.

Your Committees are in agreement that due to the excellent natural resources of the Natural Energy Institute, the potential benefits of increasing the scale of unique work being done at the Laboratory from research to commercial use are great.

Concern was raised regarding the wording of the bill to include commercial development of aquaculture offshore of NELH. Your Committees both agreed that if any development did occur, it would still be under all laws, rules and regulations, that all state lands are subject to, since NELH, including the lands and facilities, are owned by the State.

Your Committees have amended this bill to alleviate any ambiguity regarding what areas of NELH may be commercialized by omitting the following sentence in Section 1, Subsection 2271. "For the purpose of such activities, the outdoor research facility shall include the land at KeAhole Point, the waters offshore, and the structures constructed or erected thereon or therein, as determined to be required by the managing board of the Natural Energy Laboratory of Hawaii." It was agreed upon by both Committees that this sentence is unnecessary.

Your Committees on Energy, Ecology and Environmental Protection and Water Land Use Development and Hawaiian Affairs are in accord with the intent and purpose of S.B. No. 1878-84, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1878-84, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 709-84 Transportation on S.B. No. 300

The purpose of this bill is to impose a fine of not less than \$50 and not more than \$100 upon the registered owner of a motor vehicle, the alarm system of which is activated and emits a sound for more than ten continuous minutes.

Your Committee finds that there should be some regulation of motor vehicle alarm systems. However, your Committee believes that it is unfair to impose a fine upon the registered owner of a vehicle when a motor vehicle alarm system is activated due to a break-in or a malfunction and the owner is not within the vicinity of the vehicle to know that the alarm has been activated.

Your Committee believes that the noise problem caused by alarms would be better dealt with by requiring alarm systems to shut-off within ten minutes. Your Committee has therefore amended Section 1 of the bill to require that any motor vehicle alarm system purchased, sold, or installed in the State be designed so that an activated alarm will automatically terminate within ten minutes of activation.

Your Committee has sought to strengthen the enforceability of the bill by providing a rebuttable presumption that a registered owner of a motor vehicle is in violation of this new law if the alarm system in or on the owner's motor vehicle, once activated, fails to automatically terminate its alarm within ten minutes.

Your Committee has also amended the bill to provide different punishment for those who sell nonconforming motor vehicle alarm systems versus those who purchase or install nonconforming systems. It is felt that the higher potential fine for those who illicitly sell such systems will act as a deterrent likely to stop nonconforming alarm systems at their source. It is also more likely that a seller of a nonconforming alarm system would be a willful violator than would a purchaser or installer.

Your Committee has also amended the proposed definition of "motor vehicle alarm system" to make it clear that only devices designed or used for the detection of an unauthorized entry into a motor vehicle, or for alerting others to the commission of an unlawful act "upon a motor vehicle", would be considered motor vehicle alarm systems. Your Committee has also made amendments to the definition by replacing "others" with "persons" and putting the term defined within quotation marks to conform to recommended bill drafting style.

Finally, your Committee has amended Section 3 of the bill to make the effective date of the Act January 1, 1985. It is felt that this will give merchants who have presently stocked nonconforming systems an opportunity to sell them without violating the law.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 300, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 300, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 710-84 Transportation on S.B. No. 2243-84

The purposes of this bill are as follows:

- (1) To delete the prohibition against the State Department of Transportation (DOT) issuing or renewing a permit to a person who is not the owner or lessee of a vessel.
- (2) To permit, for a one year period following the bill's enactment, commercial vessel owners holding valid mooring or commercial permits to transfer ownership of the vessel to corporate or other business ownership without terminating their rights under those permits.
- (3) To remove the authority the DOT presently has to renew or issue such permits to vessel lessees, except demise charterer or lessees with exclusive possessory rights to the vessel.
- (4) To statutorily require a vessel owner who is permitted to moor in a state small boat harbor to notify the DOT of any transfer of any interest in, or possession of, the vessel.
- (5) To exempt transfers of stock, or of an interest in a noncorporate business entity, from the provisions automatically terminating a commercial permit upon transfer of vessel ownership.
- (6) To require that any person possessing a commercial permit meet minimum revenue standards, as determined by DOT.
- (7) To make technical amendments to Section 266-25, Hawaii Revised Statutes, relating to penalties for violation of certain DOT regulations and the lawful commands of certain harbor personnel.
- (8) To add a proviso to Section 266-25, Hawaii Revised Statutes, which would allow the courts to deprive a person violating certain DOT harbors regulations and lawful commands of certain harbor personnel of the privilege of operating or mooring a vessel in state waters for up to two years.
- (9) To permit the courts to impose a term of imprisonment of up to one year for certain serious violations of these rules or commands.

Under present DOT rules, any transfer of an interest in a vessel from a natural person holding the permit to moor the vessel at a state small boat harbor (the "permittee") to a corporation or other business entity automatically terminates any right to moor or operate the vessel under the permit. Also, most significant transfers of an interest in a permittee which is a business entity are deemed changes in ownership which terminate the permittee's rights.

Your Committee received testimony from numerous owners and operators of commercial vessels moored in state small boat harbors stating that the waiting list for commercial mooring at these harbors is long. It was also testified that upon

losing a mooring permit, a commercial vessel might have to wait several years to obtain another permit at the same harbor.

The vessel owners also testified that the inability of an individual commercial permittee to change the commercial operation to corporate or another business form, due to the threat of automatic loss of the permit, severely hampers the permittee's ability to obtain capital for, and to expand, the permittee's business.

Because no significant interest in a business entity such as a corporation, limited partnership, or business trust can be transferred without causing loss of the vessel's permit, if a holder of an interest in the business entity which owns the vessel dies, retires, or simply wishes to sell the interest, the employees of the business entity are out of work.

Your Committee finds that a sale or other disposition of stock of a corporate permittee, a limited partnership interest in a limited partnership permittee, or the beneficial interest of a business trust permittee, should not be considered a change in the ownership of the vessel because the vessel's owner, the corporation, the limited partnership, or the business trust remains the same.

Your Committee finds that it is imperative for the continuing economic viability of commercial vessels that there be some certainty with respect to moorage of the commercial vessels in order that these businesses may continue to provide revenue for the State, jobs for Hawaii's people, and recreation for residents of, and visitors to, Hawaii.

However, your Committee is concerned that it is possible that there could be some abuses of the provisions of Section 266-21.1(d), Hawaii Revised Statutes, relating to such transfers. In particular, your Committee is concerned with the possibility that a grant of a permit to a commercial entity could be tantamount to the issuance of a license in perpetuity. Thus, your Committee has amended section 1 of the bill to permit the DOT to adopt rules governing such transfers.

It is the intent of your Committee that any DOT rule restricting, or otherwise relating to, these transfers shall be prospective only in application and shall not be applied to invalidate any transfer legitimately made pursuant to Section 266-21.1 prior to the adoption of such rule. It is also the intent of your Committee that any such rules shall be applied uniformly and equally to all commercial vessels, or to all commercial vessels of a particular class, wherever moored in the State, unless disparate treatment is necessitated by the configuration of a particular harbor or by similar considerations.

Your Committee has also amended the bill in accordance with a recommendation of the DOT to delete the brackets at section 1, page 1, lines 4 and 8 of the bill, as it was received by your Committee, and to place brackets around "or lessee" at section 1, page 1, line 6 of the bill as received.

Your Committee finds that the words "[n]otwithstanding the above," are understood and unnecessary at section 1, page 2, line 19 of the bill, as received, and has accordingly deleted them.

Your Committee finds the language of the bill relating to penalties for serious violations of harbor rules and harbor personnel orders at section 2, page 4, lines 1-4 of the bill, as received by your Committee, to be severe and syntactically incorrect. Your Committee has therefore amended this language.

Your Committee has further amended the bill to add the words, "or charterer" at section 1, page 2, line 8 of the bill, as received, following the word "lessee". For the sake of clarification, it has changed the word "and" to "to" at section 1, page 2, line 10 of the bill and added "to it" following "issued" at section 1, page 3, line 1 of the bill, as received.

Your Committee has also made technical, nonsubstantive amendments to the bill to conform it to recommended bill drafting style.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 2243-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2243-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Lardizabal.

SCRep. 711-84 Transportation and Consumer Protection and Commerce on
S.B. No. 1693-84

The purpose of this bill is to provide consumer safety by regulating the rebuilding and restoration of wrecked motor vehicles. The below-enumerated purposes of this bill are keyed to the sections of the bill. This bill would: (1) require that a bond be posted before work may be done on a salvage vehicle; (2) provide that the registration and title of a vehicle for which a salvage certificate has been issued must state in bold letters that it is a "REBUILT VEHICLE"; (3) define a "rebuilt vehicle"; (4) provide that a vehicle that has been in an accident and has either been determined by an insurer to be unsafe or been rebuilt or restored must obtain a certificate of inspection before it may be operated; (5) require that the application for registration for a rebuilt imported motor vehicle state that the vehicle is rebuilt; (6) require that the county Directors of Finance examine and determine the genuineness and regularity of every certificate of registration and transfer of registration in order that every certificate contain true statements of the condition of the vehicle; (7a) clarify that Section 286-48, Hawaii Revised Statutes (HRS), relating to certificates of ownership of salvaged vehicles, includes conveyances of these vehicles to insurance companies in the ordinary course of business or as the result of a total loss insurance settlement where "the insurance company receives the certificates of registration and ownership"; (7b) require that the purchaser of the salvage vehicle or the insurance company referred to in 7a above must forward to the Director of Finance an application for a salvage certificate in addition to proof of ownership, the certificate of ownership, and the license plates and to require the Director to issue the salvage certificate upon receipt of these items; (7c) require that upon resale of a salvage vehicle, the seller give, in addition to the bill of sale, a salvage certificate to the purchaser; (7d) mandate that if a party reselling a salvage vehicle is an insurance company, it may only sell to a person licensed pursuant to Section 289-4 or 445-232, HRS; (7e) prohibit the issuance of a license to any salvage vehicle rebuilt to operate on the highway, unless there is issued an inspection certificate signed by a registered and certified motor vehicle repair dealer attesting that the vehicle's original specifications and tolerances have been adhered to and that the motor vehicle meets the requirements established in rules adopted by the State Department of Transportation; (7f) require that the Director of Finance establish, by rules, the fees to be charged for such inspection certificates; (8) require that upon a finding that a licensee under Chapter 289, HRS, relating to used motor vehicle parts and accessories, has "rebuilt or restored a salvage vehicle in a substandard or unworkerlike manner", the Director of Finance must suspend or revoke the license and cause the forfeiture of the performance bond referred to in (1) above; (9) provide for nonretroactive application of the bill; (10) provide for Ramseyering; and (11) make the Act effective upon approval. The discussion below shall be keyed to the sections of the bill as it was received by your Committees.

(1) Your Committees received testimony from the City and County of Honolulu that the cost of printing bold letters on salvage certificates and certificates of ownership and registration would be prohibitive. Therefore, your Committees have deleted the "in bold letters" requirement of section 1, page 1, line 16, and section 7, page 11, line 14 of the bill, as it was referred to your Committees.

(2) Your Committees also received testimony from the City and County of Honolulu that the Director of Finance does not have the investigative capability nor the manpower to enforce Chapter 289, HRS, "Used Motor Vehicles Parts and Accessories". Your Committees have also been informed that those activities enumerated in Section 289-2 (3) HRS, "rebuilding wrecked or dismantled vehicles for purposes of resale", would be more properly overseen by the Motor Vehicle Repair Industry Board established pursuant to Section 437B-3, HRS. Therefore, your Committees have added a new sections 9 and 10 to the bill, described immediately below, and renumbered the former sections 9, 10, and 11 sections 11, 12, and 13, respectively.

The new section 9 of the bill would delete Section 289-2 (3), HRS, which prohibits the rebuilding of wrecked or dismantled vehicles except by persons licensed under Chapter 289, HRS. The bill's new section 10 would amend the definition of "repair of motor vehicles" in Section 437B-2, HRS, to explicitly include "the rebuilding or restoring of salvage, wrecked, or dismantled vehicles." In essence, this would prohibit anyone not registered under Chapter 437B from engaging in such work.

In line with these amendments, your Committees have amended section 2 of the bill to shift the proposed bonding requirements from Chapter 289, HRS, to Chapter 437B, HRS. Furthermore, your Committees have moved the substance of Section 289-5(b), HRS, as it was proposed in section 8 of the bill, to section 437B- (b), HRS, as set forth in section 2 of the bill, as amended by them. Additionally, your Committees also added language which would prohibit the Motor Vehicle Repair Industry Board from ordering forfeiture of the bond without following the procedures of Chapter 91, HRS.

(3) Your Committees received testimony from the Insurers Council commenting that the proposed definition of "rebuilt vehicle" in section 3 of the bill is defective in two ways. First, if a vehicle on which collision insurance has been written is involved in an accident, is declared a total loss by the insurance company, and is repaired, it is a "rebuilt vehicle"; however, if an identical vehicle that is not covered by insurance is involved in an identical accident and repaired in an identical manner, it is not "rebuilt". Second, in many instances, although a motor vehicle is involved in an accident, it may be operated safely immediately, or after minor, nonstructural repairs. If the cost of repairing this vehicle exceeds the replacement cost of the vehicle, as is often the case with older model automobiles, the insurance company will declare the vehicle to be a "constructive total loss" despite its relatively good condition.

In order to meet these objections, your Committees have amended section 3 of the bill to define a "rebuilt vehicle" as follows:

"Rebuilt vehicle" means any vehicle which has been declared a total loss by a police officer or an insurer and has been rebuilt or repaired to operate on public highways. A vehicle shall be deemed not to have been declared a total loss by an insurer if there has been no material damage to the vehicle's engine, transmission, or suspension system, and the market value of the vehicle at the time of the incident causing it to be declared a total loss is exceeded by the projected cost of repairing the vehicle".

(4) Because of the Insurers Council's comment regarding the fact that many vehicles involved in accidents are not insured against damage to the vehicle, your Committees have amended section 4 of the bill to provide that the determination that a vehicle's equipment has been damaged so as to render it unsafe may be made by a police officer as well as by an insurer. Your Committees have also amended the reference to "Section 286- ", to one to "subsection e" at section 4, page 3, line 7 of the bill, as referred to your Committees.

(5) Section 5 of the bill has not been amended by your Committees.

(6) Your Committees received testimony from the City and County of Honolulu stating that the Director of Finance of the City and County is not capable of determining the truthfulness of statements as to the condition of a vehicle for purposes of determining whether to issue a certificate of registration or transfer of registration. This is particularly true of vehicles which have not been previously registered in the State and which may have been rebuilt or restored outside of the State. Therefore, your Committees have amended section 6, page 6, line 3 of the bill, as it was received, to delete "or condition" and "or both,".

(7) The Insurers Council testified that the proposed provision at section 7, page 10, lines 2-5 of the bill, as received by your Committees, unfairly discriminates against insurers by requiring that they sell salvage vehicles only to persons "licensed pursuant to section 289-4 or section 445-232 [HRS]". Your Committees have therefore amended this provision to require that all sales of salvage vehicles be to either licensed motor vehicle parts dealers or licensed scrap dealers.

Your Committees also received testimony from the Motor Vehicle Repair Industry Board that either a registered or certified motor vehicle repair dealer should be permitted to sign a certificate of inspection attesting to a rebuilt salvage vehicle's conformance to manufacturer's specifications and tolerances. Therefore, they have amended section 7, page 10, line 17 of the bill, as received by your Committees, to replace "and" with "or".

Your Committees have also deleted the requirement of section 7 of the bill that a restored salvage vehicle must meet Department of Transportation specifications and requirements before the vehicle may again be licensed or its ownership

transferred. This is because of the tremendous administrative burden such a provision would place on the Department.

Your Committees received testimony from the City and County of Honolulu that the Director of Finance of the City and County is not empowered to establish fees. Therefore, your Committees have amended section 7, page 11, lines 5-7 of the bill, as referred thereto, to provide that the counties may, by ordinance, set the fees to be charged for inspecting rebuilt motor vehicles.

(8) The substance of section 8 of the bill, as referred to your Committees, has been deleted and replaced with new material. The substance of the subsection 289-5(b), HRS, proposed in section 8, relating to bond forfeiture, has been moved to section 2 of the bill, as amended (see 2 above).

The language relating to forfeiture of license for rebuilding or restoring a salvage vehicle in a substandard or unworkerlike manner has been retained in substance in the new section 8 of the bill, as amended. However, the language has been shifted by your Committees to a new paragraph 437B-11 (11), HRS, relating to grounds for forfeiture of a license issued under 437B, HRS. This is because of the changes proposed in the new sections 9 and 10 of the bill shifting licensing of persons rebuilding wrecked or dismantled vehicles from Chapter 289, HRS, to Chapter 437B, HRS.

(9) Section 9 of the bill, as referred to your Committees, has been re-designated "section 11".

(10) Section 10 of the bill, as referred to your Committees, has been re-designated "section 12".

(11) Section 11 of the bill, as it was received by your Committees, has been renumbered section 13. Also, the effective date of the Act proposed by the bill has been changed from "upon its approval" to "on July 1, 1985". Your Committees believe that this change will give the counties enough time to implement the salvage certificate system. It will also provide the Motor Vehicle Repair Industry Board time to implement the enforcement procedures placed upon them under this bill.

Your Committees on Transportation and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 1693-84, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1693-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Baker.

SCRep. 712-84 Transportation and Consumer Protection and Commerce on
S.B. No. 2049-84

The purpose of this bill is to amend several sections of Chapter 287, Hawaii Revised Statutes, the Motor Vehicle Safety Responsibility Act. These amendments are as follows:

(1) Section 287-6, HRS, would be amended to provide that the administrators of Chapter 287 would have to send notices of suspension "not less than thirty days prior to the effective date of the suspension", rather than "not less than ten days prior to the effective date of the suspension" as the current law provides.

(2) Section 287-8, HRS, would be amended to exclude from the security and suspension requirements of sections 287-5 and 287-6, HRS, "the driver of a motor vehicle owned by that person's employer involved in an accident during the normal scope of that person's employment."

(3) Section 287-9(2), HRS, would be amended to provide that a license or permit suspended pursuant to section 287-6, HRS, would be suspended for a period of two years, rather than one year as current law requires.

(4) Presently, Section 287-9(3), HRS, states that if there were to be a default in the payment of an installment under an agreement in accordance with Section 287-8(4), HRS (an agreement to pay for "all claims for injuries or damages resulting from the accident"), any suspension resulting from the default terminates

when one year has elapsed from the date security has to be deposited. The bill would amend Section 287-9(3), HRS, to extend this period to two years.

(5) Currently, Section 287-20, HRS, states that proof of financial responsibility is required upon conviction of certain crimes and in the case of certain adjudications. This bill would amend that section to include convictions for driving during suspension or revocation of a license.

Your Committees favor the general intent of the bill to correct certain anomalies within Chapter 287. However, your Committees have amended the bill in several respects.

Your Committees received testimony stating that the amendment to Section 287-6, HRS, is proposed because the administrator in Honolulu is unable to process the notices of suspension within ten days. However, your Committees note that that section does not mandate notice within a specified period, it only requires that suspension notices be sent "not less than ten days prior to the effective date of the suspension". Your Committees also wish to ensure that in counties in which suspensions can be processed within thirty days, the county will be permitted to give less than thirty days notice to a driver prior to suspending the driver's license. Thus, your Committees have amended the bill by deleting Section 1 thereof and renumbering subsequent sections.

Your Committees also believe that persons who are convicted of violating Section 294-8(a), HRS, which prohibits driving without no-fault insurance, should be required to maintain proof of financial responsibility. Therefore, your Committees have amended Section 4 of the bill, as introduced, Section 3 of the bill, as amended, to add a new Paragraph (3) to so provide.

Your Committees have also made technical, nonsubstantive amendments to the bill to conform it to recommended bill drafting style.

Your Committees on Transportation and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 2049-84, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2049-84, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Baker.

SCRep. 713-84 Transportation; Education; and Human Services on S.B. No.
1766-84

The purposes of this bill are: (1) to amend Section 286-102(b), Hawaii Revised Statutes (HRS), to replace the requirement that a school bus operator must hold a State Department of Education bus operator certificate with the requirement that school bus operators must comply with State Department of Transportation regulations; and (2) to amend Section 286-181(c), HRS, to provide that Department of Transportation safety rules and standards relating to school vehicles, equipment and drivers shall, in the case of day care centers, child care facilities, headstart programs and preschools, "permit the use of small school buses or vans".

Your Committees have amended Section 1 of the bill to change references to "school bus" to references to "school vehicle". This will conform the language of Section 286-102(b), HRS, to that of Section 286-181, HRS.

Your Committees are concerned that the bill, as received by them, does not adequately ensure the safety of children enrolled in day care centers, child care facilities, headstart programs and preschools. Your Committees believe that it should not be necessary for such institutions to provide a Type I or Type II school bus for child transport due to prohibitive costs. However, your Committees believe that maximum protection should be afforded children enrolled in these institutions.

It is felt that school vehicles transporting children to or from day care centers, child care facilities, headstart programs, or preschools should meet those safety requirements imposed upon motor vehicles engaged in transportation of persons on the public highways in furtherance of a commercial or educational enterprise (P.U.C. regulations) with respect to equipment design, construction, identification and safety inspection. However, with respect to school vehicle driver qualification and training, school vehicle operation, maintenance and maintenance records, and

passenger loading and unloading, your Committees feel it is appropriate to require these institutions' motor vehicles to comply with the higher Department of Transportation standards.

Your Committees are concerned that student athletes and school athletic staffs may be unable to attend school-related activities in the absence of an exemption for small school vehicles used to transport these persons to such activities.

Because of these concerns, your Committees have amended Section 2 of the bill in the following ways: (1) they have amended Section 286-181, HRS, to delete its first word, "[t]he" and to replace it with "[e]xcept as provided in subsection (c), the", and (2) they have added a Subsection 286-181(c), HRS, to take care of the above-referenced concerns. It is the intent of your Committees, by requiring the subject vehicles to follow PUC, rather than Department of Transportation, regulations with respect to school vehicle identification, to exempt them from any requirement that they be painted a uniform color.

These amendments reflect the substance of H.B. No. 2036-84, H.D. 1, which was passed out of your Committees on Transportation and Education. However, language limiting the exemption with respect to school vehicles for athletic purposes to vehicles weighing less than ten thousand pounds has been added and slight stylistic changes have been made from the language at page 1, lines 8 and 14 of H.B. No. 2036-84, H.D. 1.

Your Committees on Transportation, Education, and Human Services concur with the intent and purpose of S.B. No. 1766-84, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1766-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Baker.

SCRep. 714-84 Judiciary on S.B. No. 2073-84

The purpose of this bill, as received, is to provide for the payment of legislative salaries in equal semi-monthly amounts beginning with the first pay period for state employees in November of the year the legislator is elected. The bill will also amend the title of chapter 24, of the Hawaii Revised Statutes, to read, "Allowance and Salary for Legislators".

This bill shall take effect only upon the voters' ratification of the proposed constitutional amendment to Article III, Section 9, of the Constitution of the State of Hawaii, providing that the method of payment of legislative salaries shall be as established by law. This bill prescribes that method of payment.

Currently, there is a commission on legislative salary, which is appointed by the Governor. The commission meets every eight years and submits to the Legislature and the Governor its recommendation for a salary plan for members of the Legislature. Unless specifically rejected, the plan takes effect.

The current legislative salary plan, adopted by the 1978 commission on legislative salary, provides that over seventy-five percent of the annual legislative salary shall be paid during February, March and April. The balance is paid in equal installments over the other nine months. This method of payment has resulted in a disproportionately large amount of tax being deducted from the salaries during the legislative session months relative to the total annual salary. The small amounts paid during the nonlegislative session months serve to place a legislator with little or no income, other than the legislative salary, in the position of possibly being qualified for public assistance.

In making the proposal for a constitutional amendment and providing by law for the scheduling of payments, your Committee does not intend to change the authority granted to the commission on legislative salary to determine the annual salary of state legislators. Nor will these changes result in any pay increases for legislators. Your Committee, however, finds that there is a need for a more equitable scheduling of payments, to be determined by law.

For purposes of clarity and conformance with the Ramseyer format, your Committee has made technical, non-substantive amendments to the bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2073-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2073-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 715-84 Judiciary on S.B. No. 2193-84

The purpose of this bill, as received, is to amend chapter 804 of the Hawaii Revised Statutes, relating to bail and bond to keep peace. This bill specifically provides:

- (1) The court shall have the discretion to grant or deny bail where the charge is for a serious crime;
- (2) The deletion of the provision that the proof of the seriousness of the crime must be evident and the presumption great before bail maybe denied;
- (3) The court may impose other conditions of release on bail such as requiring the defendant to adhere to a curfew, seek or maintain employment, participate in social services, and report to a designated person or organization for supervision so that the lawful behavior of the defendant is assured;
- (4) The court shall impose other conditions of release, such as requiring the defendant to return to custody after specified hours, in lieu of or in addition to other conditions, if the court determines that the release on personal recognizance or the execution of an unsecured bail will not assure the appearance of the defendant in court;
- (5) A review procedure is established for a defendant who continues to be detained as a result of the person's inability to meet the conditions of release;
- (6) A procedure is established by which the court may order the arrest or appearance or both of a defendant because the court has been advised of a change in circumstance or failure to comply with conditions of his release;
- (7) The requirement of proof that a defendant has wilfully violated the conditions of release on bail is deleted so that a warrant for the arrest of a defendant is expedited;
- (8) The conditions establishing the amount of bail;
- (9) The qualification determining the sufficiency of a surety or sureties;
- (10) The procedure for the deposit of bail security and the return of the bail money to the defendant or his surety or sureties;
- (11) The procedures for bail deposit by a person other than the defendant;
- (12) The procedure for securing a bail bond with cash, stocks, bonds, or real estate as security for bail;
- (13) The procedure for guaranteed bond certificates of a surety company accepting in lieu of cash bail in traffic cases;
- (14) The procedure for the forfeiture of bail if the defendant fails to appear in court or fails to comply with the conditions of his release;
- (15) Penalties providing that any person who violates the chapter shall be guilty of a misdemeanor for the first offense and guilty of a class C felony for each additional offenses.

Your Committee has heard testimony in support of this bill from the State Intake Service Center, the Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu, and the American Civil Liberties of Hawaii.

Your Committee finds that the present system of bail requires the modifications recommended in a study submitted to the Legislature in January, 1983, by the State Intake Service Center. This study was made pursuant to House Resolution

No. 64, "Requesting the Development of Proposed Bail Reform Legislation" and addressed the constitutional rights of the defendant and the rights and safety of the victims and the general public.

Your Committee also notes the Hawaii Supreme Court ruling in Huihui v. Shimoda, 64 Haw. 527, 644 P. 2d. 968 (1982), where it was held that section 804-3 of the Hawaii Revised Statutes, which precluded bail from being allowed where the charge is for a serious crime, is unconstitutional because it exceeded the bounds of reasonableness and due process by leaving no discretion for the trial judge to allow bail and violates the Hawaii constitutional provision that the court may dispense with bail if it is reasonably satisfied that the defendant will appear when directed.

Your Committee has amended the bill by deleting the provisions enabling the court to impose any other conditions to assure the lawful behavior of the defendant and to impose any conditions deemed reasonably necessary to assure the appearance in court, including a condition requiring that the defendant return to custody after specified hours, if the court determines that the release on personal recognizance or the execution of an unsecured bail bond will not assure the appearance of the defendant in court. Your Committee finds that the court is already provided broad discretionary powers to impose conditions of release on bail and that these additional provisions will impose undue restrictions on a person's right to bail.

Your Committee also has made technical, non-substantive changes to the bill to conform with the Ramseyer format, to correct grammatical errors, and to make minor style changes.

Your Committee has amended the bill further by providing that the effective date shall be July 1, 1985, so that all the agencies involved in the bail system and the general public is provided notice of the requirements of the bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2193-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2193-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 716-84 Judiciary; Consumer Protection and Commerce; and Housing on
S.B. No. 328 (Majority)

The purpose of this bill, as received, is to prohibit discrimination by an owner or any other person engaging in real estate transactions such as rentals, sales, exchanges, and leases, against parents with minor children. It further provides that housing projects specifically developed for the elderly be exempted from such a prohibition and defines "elderly" for purposes of the bill.

Your Committees have been informed that data obtained from the rental guide and the classified ads for the period of May through August of 1983 showed that of 524 listings in the rental guide, 248 allowed children and 276 had restrictions regarding children; of 314 listings in the classified ads, 153 allowed children, while 114 had restrictions regarding children, and the remaining 47 had no pertinent information on this issue. Moreover, based on postal vacancy rate figures, the rental vacancy rate on Oahu is only 1.6%, and using national criteria, such a percentage is tantamount to a no vacancy rate. Therefore, given Hawaii's rental housing market, which is characterized by chronically low vacancy rates, continuously escalating rents, and a grave shortage of affordable rental units, such discriminatory practices severely restrict housing opportunities available to renter households, especially those in the low and moderate income groups, and further compounds the housing problem in the state.

During the 1983 Legislative Session, your Committees received testimony from the City and County Department of Housing and Community Development, the Department of Social Services and Housing (DSSH), Child and Family Service, Consumers' Housing Task Force, the Building and Construction Trades Council, the Hawaii Council of Churches, the Honolulu Community Action Program, Inc. (HCAP), Councilman George Akahane, Kokua Council for Senior Citizens, the Catholic Social Services, Working Women of Hawaii, the Waianae Women's Support Group, and numerous other individuals, in strong support of the bill.

The Department of Commerce and Consumer Affairs (DCCA) has not objected to the bill, but has proposed that the effective date of this measure be amended to September 1, 1984, to provide the department sufficient time to inform the news media, property management associations, and educate the general public about the new law.

Your Committees find that the bill only requires that households with minor children be given the same opportunity to apply for housing as those without children. Landlords may still consider other bona fide factors, such as an applicant's credit record or past record as a tenant, and may limit the total number of persons the landlord wishes to have occupying the premises, as long as such factors or standards are applied across the board.

Your Committees stress that this bill would not require landlords to rent to applicants with children over any other qualified applicants, with or without children--it merely requires that landlords afford an opportunity to those with children to apply for the rental, along with other applicants. We note that the existing fair housing law, which this bill amends, prohibits discrimination on the basis of race, sex, color, religion, marital status, ancestry, or a physical handicap. Certainly, no one would construe the existing statute to require landlords to give anyone preferential treatment or that the existing law requires landlords to only rent to applicants from traditionally discriminated groups. The situation would be no different with regard to those with minor children, should this group be added to the protected class.

Your Committees further find that the concerns expressed regarding existing condominium project documents and cooperative housing bylaws that currently restrict occupancy are valid, and that such restrictions concerning the use and occupancy of condominium units may be deemed necessary for the smooth operation of private property and protection of the owners. Your Committees recognize that a law such as contemplated in this bill probably would override these types of existing restrictions and would sustain a challenge in court. However, as a matter of public policy, it is reasonable not to summarily abrogate these existing restrictions. Therefore, your Committees have amended Section 2 of the bill to provide that nothing in the proposed law shall affect existing covenants, bylaws, or administrative provisions established pursuant to Chapter 514A of the Hawaii Revised Statutes or established under organizational documents and proprietary leases for housing cooperatives placing restrictions based upon parental status.

Your Committees have further amended the bill by changing the effective date of this Act to September 1, 1984. Your Committees find that this will provide a reasonable period of time for the Department of Commerce and Consumer Affairs to notify the general public and other parties who would be affected by this bill.

Additionally, your Committees have made technical amendments to the bill.

Your Committees on Judiciary, Consumer Protection and Commerce, and Housing are in accord with the intent and purpose of S.B. No. 328, S.D. 1, as amended herein, and recommend that it pass Second reading in the form attached hereto as S.B. No. 328, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Baker.
(Representatives Andrews and Kiyabu did not concur.)

SCRep. 717-84 Housing on S.B. No. 2057-84

The purpose of this bill is to add a new section to Chapter 519, Hawaii Revised Statutes, to provide that in the renegotiation of leases or subleases of real property in multi-family apartment use, the following presumptions would apply: (1) the highest and best use of the improved leased or subleased parcel is the actual use to which the parcel is being put during the lease term if the improvements were constructed in accordance with plans approved by the lessor or sublessor prior to construction, and (2) where the parcel has been subdivided in accordance with plans approved by the lessor or sublessor, the fair market rental or fair market value of that parcel will be the aggregate of the values of the individual lots as subdivided at the commencement of the lease or sublease. If subdivided lots have been consolidated to be used for a multi-family apartment, these lots will be deemed to be one lot.

The first presumption of the bill may benefit both lessor and lessee. It would benefit the lessor if the demised land is downzoned after an apartment building has been constructed. Conversely, it would benefit the lessee if the parcel is upzoned subsequent to construction of the improvement.

The second presumption considers the costs of infrastructure incurred by the lessee. If the parcel is appraised as one lot rather than several subdivided lots, in cases where the parcel has been subdivided for multi-family apartment use, the lessee is not given credit for the value of the lessee's subdivision improvements.

Your Committee finds that the bill does not change the terms of existing ground leases. It merely creates statutory presumptions which apply (1) where the ground lease does not provide a precise guideline for determining lease rent, or (2) where a guideline provided in the lease is ambiguous or contradictory, or (3) when the presumptions reasonably reflect probable or implied intent of the parties when the lease was entered into.

Further, as to leases entered into after this measure is enacted, it is not the intent of the bill to require renegotiation provisions to contain the presumptions set forth in the bill. The parties are free to negotiate as to the method of valuation to be used in the renegotiation process and the provisions of this bill would apply only in circumstances where the intent of the parties is unclear and open to interpretation.

Your Committee finds that numerous lessees of real property in multi-family apartment use have faced lease rent increases of between 500 and 700 percent at lease reopening. These excessive increases in rents are due to the current practice of landowners, in determining renegotiated lease rents, of ignoring the lease and improvements and considering the highest and best use of the property as if it were vacant and unencumbered.

Your Committee notes that the provisions of Section 1 of this bill would apply to all leased land devoted to multi-family use, such as cooperative apartments, condominiums and rental apartments.

Your Committee has amended the bill by adding a new Section 2 to include the provisions of a House measure, House Bill 2240-84, Standing Committee Report No. 374, passed by the House on March 12, 1984, which also addressed the issue of renegotiated lease rents in the case of real property in multi-family apartment use. Sections 2 and 3 have been amended to Sections 3 and 4, accordingly.

Your Committee on Housing is in accord with the intent and purpose of S.B. No. 2057-84, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2057-84, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Baker, Morgado and Jones.

SCRep. 718-84 Housing and Consumer Protection and Commerce on S.B. No.
1704-84

The purpose of this bill is to amend the definition of cooperative housing corporations to be consistent with the definition as set forth by the Internal Revenue Service.

Your Committees find that this bill would conform our law with current federal law and allow cooperatives which have some form of commercial activity (e.g., a launderette) to still qualify for lease rent renegotiation assistance under Chapter 519, Hawaii Revised Statutes.

Your Committees on Housing and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 1704-84, 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 Baker, Morgado and Jones.

SCRep. 719-84 Water, Land Use, Development and Hawaiian Affairs; Energy,

Ecology and Environmental Protection; and State General
Planning on S.B. No. 2184-84 (Majority)

The purpose of this bill is to clarify the rights of lessees holding geothermal mining leases issued by the State and the respective roles of the State and county governments in connection with the control of geothermal development within geothermal resource subzones.

Act 296, passed in 1983, established a process for the Department of Land and Natural Resources to designate geothermal resource subzones prior to geothermal development. This process is presently underway, but is not expected to be completed for another nine months. This means a delay in development of geothermal resources for companies which have already drilled wells and may result in their withdrawal from geothermal development.

S.B. No. 2184-84, S.D. 1 had provided to allow geothermal developers with any state or county land use permits, special use permits, a geothermal mining lease within an agricultural district upon which a geothermal well has been drilled prior to June 14, 1983 or a conservation area use application approved by the Board of Land and Natural Resources ("BLNR") or other governmental land use authority prior to June 14, 1983, to continue to use their permits for exploration.

Your Committees amended the bill by specifically designating within the bill geothermal resource subzones only for any area of land within an agricultural district covered by a geothermal mining lease approved by BLNR, any part or all of which area is the subject of a special use permit issued by the county for geothermal development activities, on or before the date when the bill becomes law.

Your Committees have also amended the bill by defining "geothermal development activities" to mean "the exploration, development, or production of electrical energy from geothermal resources." The disjunctive "or" was used in the definition in order to make clear the intent that any activity in exploration or in development or in production would constitute "geothermal development activities." A further amendment is the declaration that geothermal development activities may be permitted within urban, rural, agricultural and conservation land use districts in accordance with chapter 205, Hawaii Revised Statutes.

Your Committees effected other amendments to the bill to provide as follows:

1. The provisions of the bill authorizing the designation of the subzones shall not abrogate nor supercede the provisions of chapter 182, Hawaii Revised Statutes, which relate to reservation and disposition of government mineral rights, and chapter 183, Hawaii Revised Statutes which relate to forest reservations, water development and zoning therefor.

2. In the absence of provisions in the county general plan and zoning ordinances specifically relating to the use and location of geothermal development activities in the agricultural, rural or urban district, the appropriate county authority may issue a geothermal resource permit to allow geothermal development activities.

3. The provisions of chapters 177 (Ground Water Use), 178 (Wells), 182 (Mineral Rights), and 342 (Environmental Quality), as appropriate, were made to apply with respect to the regulation of geothermal development activities.

4. BLNR is required to conduct a public hearing and upon appropriate request, a contested case hearing pursuant to chapter 91, Hawaii Revised Statutes, for an application for geothermal development activities within a conservation district to determine whether a conservation district use permit shall be granted to authorize the geothermal development activities applied for.

5. If the geothermal development activities proposed within an agricultural, urban or rural district under an application for a geothermal resource permit are not permitted uses pursuant to the applicable county general plan and zoning ordinances, the appropriate county authority is required to conduct a public hearing and, upon appropriate request, a contested case hearing pursuant to chapter 91, Hawaii Revised Statutes, to determine whether a geothermal resource permit shall be granted to authorize the geothermal development activities described in the application for a permit.

6. In the issuance of geothermal resource permit by the appropriate county authority, more specific standards have been enumerated to assure the assessment, in the course of a public hearing or a contested case hearing, of (i) the effects of the geothermal development activities upon the environment, health, society and public services, and (ii) the measures available to mitigate unreasonable adverse effects or burdens resulting from the proposed geothermal development activities.

7. The appropriate county authority must render a decision on an application for a geothermal resource permit within six months from the date of filing of the application; except that in the case of a contested case hearing on the application, the appropriate county authority must render the decision within nine months from said filing date.

8. Notwithstanding the provisions of section 205-5.2, Hawaii Revised Statutes, regarding county-by-county assessment of areas with geothermal potential, BLNR shall separately conduct an assessment of the land which was the subject of a conservation district use permit under BLNR decision and order dated February 25, 1983. The assessment shall be in accordance with procedures and standards for designation of geothermal resource subzone under Act 296, Session Laws of Hawaii 1983. BLNR is directed to make its determination regarding the designation of all or any portion of the subject land, as a geothermal resource subzone, on or before December 31, 1984.

Other nonsubstantive technical amendments were made for purposes of clarity and style.

Your Committees on Water, Land Use Development and Hawaiian Affairs and Energy, Ecology and Environmental Protection, and State General Planning are in accord with the intent and purpose of S.B. No. 2184, S.D. 1, as amended herein, and recommend that it pass Second Reading, and be placed on the calendar for Third Reading in the form attached hereto as S.B. No. 2184-84, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representatives Baker, Nakata and Jones.
(Representatives Hee and Ikeda did not concur.)

SCRep. 720-84 Judiciary on S.B. No. 2026-84

The purpose of this bill is to establish two classes of computer crimes, computer fraud and unauthorized computer use.

The offense of computer fraud is committed by a person who accesses or causes to be accessed any computer, computer system, computer network, or any of its parts with the intent to devise or execute any scheme or artifice to defraud. The bill also provides that it shall be an offense of computer fraud if a person accesses or causes to be accessed any computer, computer system, computer network, or any of its parts with the intent to obtain money, property, or services by means of embezzlement or false or fraudulent representations. The offense of computer fraud is also committed if a person accesses or causes to be accessed any computer, computer system, computer network, or any of its parts with the intent to obtain unauthorized information concerning the credit information of another person or who introduces or causes to be introduced false information into that system or network with the intent to wrongfully damage or wrongfully enhance the credit rating of any person.

The bill further provides that it shall be an offense of unauthorized computer use if a person intentionally and without authorization accesses, alters, damages, or destroys any computer, computer system, computer network, computer program, or computer software, or any data stored therein.

The bill establishes relevant definitions and identifies the degrees of the offenses of computer fraud and unauthorized computer use and the respective penalties.

Your Committee has received testimony in support of the bill from the Retail Merchants of Hawaii, Management Information Consultants, Conriel & Associates Inc., AAA Communications Inc., Hawaii Bankers Association, and the Police Department of the City and County of Honolulu.

Your Committee finds that as technical capabilities and the level of resources available to individuals become more advanced, computer related crimes are

becoming a significant problem for government and the private sector. The opportunities are great for computer related crimes in financial institutions, government programs, government records, and other business enterprises through the introduction of fraudulent records into a computer system, the unauthorized use of computer facilities, the alteration or destruction of computerized information or files, and the stealing of financial information data, and other assets.

According to statistics, the average "white collar" embezzlement nets less than \$30,000, while the average computer crime is estimated to net in excess of \$600,000. Existing laws have proven inadequate to effectively prosecute or deter computer crimes.

Your Committee has amended the bill by designating the legislative intent section as Section 1 of the bill and the new part of the Penal Code relating to computer crime as Section 2 of the bill, to conform with the Ramseyer format.

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

(1) The definition of "computer software" is amended by substituting "or" in place of "and". Your Committee finds that the unauthorized use of computer software can occur with the misuse of a set of computer programs, a computer network, or through the misuse of associated documentation concerned with the operation and function of a computer system.

(2) "Computer software" is included in the definition of "service" and in the definition of "property" and in the offense of unauthorized computer use. Your committee finds that a computer software is essential to the operation and function of a computer system.

(3) The definition of "property" is amended by deleting "including both human and computer system readable data" because the term "data" adequately covers the scope of the phrase.

(4) The language of the penalty provision is clarified. It is the intent of your Committee that the double damages provision may be imposed by the court in addition to any term of imprisonment and in lieu of the statutory fine for a class C felony.

Your Committee has further amended the bill to correct technical errors and to make minor style changes.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2026-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2026-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 721-84 Human Services and Education on S.B. No. 1575-84

The purpose of this bill as received by your Committees, is to: (1) define a day care facility for which a license is required as a place maintained for the purpose of providing care for five or more children; (2) adding to the listed exclusions from facility regulation neighbors or friends who provide care for less than three hours per day but not more than two times a week, programs licensed by another State department, programs exclusively providing a specialized training or skill, social group organizations, and other organizations as the Director of the Department of Social Services and Housing may choose to exclude; (3) update references to the fire marshall as this function has been transferred to the counties; (4) provide the Department with the discretion to determine the terms of individual day care facility licenses; and (5) raise the penalty for violating day care facility requirements to a misdemeanor.

Your Committees have received voluminous and earnest testimony on this bill, reflecting recent events which have shaken the public's confidence in the security of day care arrangements as well as the deep emotion shared by all parents over the care of their beloved children. In deliberating over the many facets of this extremely complex and emotionally charged issue, your Committees are cognizant of several primary considerations which must be balanced: (1) the need to protect the welfare of vulnerable infants and young children; (2) the rights and

responsibilities of working parents to provide for appropriate day care for their children; (3) the need to support child care providers who provide an essential service that continues to be in very short supply; and (4) the legal and administrative responsibilities of the Department of Social Services and Housing which must administer child care regulations as part of its immense scope of operations.

In weighing these issues, your Committees have determined that where the several interests conflict, the welfare of the child should receive the highest priority. While compromises in other areas may be painful or inconvenient to the parties involved, your Committees assert that compromises affecting the welfare and protection of our children can have devastating consequences, for the individual family as well as the State as a whole, and threaten the integrity of Hawaii's most precious resource, the future citizens and leaders of tomorrow.

Accordingly, your Committees have amended this bill in the following principal respects:

(1) Amending all references to day care facility to child care facility and defining the term to mean a place maintained for the purpose of providing care for one or more children that charges a fee or equivalent in-kind compensation. The definition includes and defines family child care homes, group child care homes, and group child care centers.

(2) Specifying that only social group organizations or specialized training programs that serve school age children may be excluded from regulation. Similar programs for infants and younger children should be provided greater State oversight given the special vulnerability of their charges.

(3) Re-instituting the one-year fixed term of child care facility licenses.

(4) Limiting the term of temporary facility permits to a combined period of twelve months.

(5) Re-instituting the required annual inspections of child care facilities.

(6) Requiring the Department to maintain publicly accessible records of facility inspections, complaints, and investigations for the current and previous four years. To protect the individuals involved in these matters, your Committees have required that names and other identifying information be obliterated from records made available to the public.

To support ongoing investigations of facility complaints, affected records may be withheld from the public, but only for a maximum of ten working days, a period which the Department has found to be the maximum duration of most investigations. While your Committees realize that an investigation may, on rare occasion, continue for more than ten days, your Committees believe that the right of parents to ascertain the competence and security of the facility to which they entrust the care of their children warrants higher priority.

In recognition of the possible administrative burden entailed in making these records public, your Committees have required that only the current and previous four years' records be made available to the public.

Finally, any criminal records of the facility personnel which are available to the department shall be part of the record; however, the department has no affirmative obligation to acquire criminal records.

(7) A new section has been inserted to require a report from the Department to the 1985 Legislature identifying the organizations or programs which were deemed to warrant exclusion from child care facility regulations and the reasons for granting those exclusions.

Your Committees on Human Services and Education are in accord with the intent and purpose of S.B. No. 1575-84, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1575-84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Baker and Hagino.

SCRep. 722-84 Transportation on S.B. No. 2242-84

The purpose of this bill is to amend Section 266-21, Hawaii Revised Statutes, to include "commercial vessel activities" as one of the purposes for which state small boat harbors may be constructed, maintained, and operated, to restate the prohibition against the mooring of commercial vessels at Ala Wai and Keehi boat harbors, and to prohibit commercial vessel activities at Ala Wai and Keehi boat harbors.

In 1983, Act 107, Session Laws of Hawaii, was enacted which permitted commercial vessels to moor in all small boat harbors on the Neighbor Islands and in all small boat harbors on Oahu except those within three statute miles of a commercial harbor. The only two small boat harbors on Oahu within three statute miles of a commercial harbor are Ala Wai and Keehi boat harbors. Thus, part of the bill merely restates and, your Committee believes, clarifies, the prohibition against mooring commercial vessels in Ala Wai or Keehi boat harbors.

Your Committee favors the basic thrust of this bill to further legitimize the moorage of commercial vessels in all state small boat harbors other than Ala Wai and Keehi by including "commercial vessel activities" as one of the recognized purposes of state small boat harbors. Your Committee also concurs with the definition of "commercial vessel activities" contained in S.B. No. 2242-84, S.D. 1, which is broader than that contained in H.B. No. 2144-84, as it was referred to your Committee.

Your Committee on Transportation concurs with the intent and purpose of S.B. No. 2242-84, 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. 723-84 Health on S.B. No. 2212-84

The purpose of this bill, as received, is to authorize the Director of Health to take precautionary measures including actions to embargo, detain, or remove products from market, or declare a quarantine when a potential health hazard exists.

Following a recent Department-initiated recall of muffin and cake mixes contaminated with the pesticide ethylene dibromide (EDB), a national food conglomerate initiated litigation which questioned the Director of Health's authority to withhold a product from the market because of suspected health hazards. Your Committee finds that if the courts determine that the Director lacks this authority, the Director will be unable to protect the State from products known or suspected of being contaminated with a potentially harmful substance.

Your Committee finds that this bill addresses concerns regarding the heavy financial burden that product embargoes, detentions and recalls place on local food processors with a provision for a 48-hour period during which the Department of Health must either prove the existence of a health hazard or rescind its action on the product in question.

Your Committee finds that the ambiguous wording of page 1, line 12 gives the Department recourse to unspecified precautionary measures other than the quarantine, embargo, detention or removal of products from market. Your Committee has corrected this ambiguity by replacing the phrase on page 1, line 12 "including but not limited to the following" with "through" and "or" to specify that the Department is limited to the four precautionary measures named in the bill.

Your Committee has further amended page 1, line 9 of the bill, as received, to retain the original wording "deemed to be" relating to the determination by the Director of Health that a potential health hazard exists. This amendment would not give the Director greater discretionary power than is intended and would lower the legal standard of proof required for the determination of a potential health hazard.

Your Committee on Health is in accord with the intent and purpose of S.B. No. 2212-84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2212-84, S.D. 1, H.D. 1 and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Baker.

SCRep. 724-84 Finance on S.B. No. 878

The purpose of this bill is to amend HRS chapter 89, relating to collective bargaining, by including contributions to the public employees health fund as a negotiable item, provided that negotiations on such contributions shall be made jointly between the employers and all exclusive representatives.

Your Committee agrees that, during periods of difficult negotiations, considering health fund contributions as part of the total pay package would allow the employers and the exclusive representatives an additional alternative in settling their disputes. The legislature would still, of course, have the authority to approve or disapprove any such contributions to the employees health fund.

Your Committee also agrees that joint negotiations will simplify the administration of the public employees health fund by allowing the board of trustees of Hawaii public employees health fund to continue its fiduciary role in negotiating benefits and insurance premium rates for each authorized employee benefit plan.

Your Committee has amended this bill to clarify and effectuate its intent. Upon due consideration of the testimony received, your Committee finds that:

1. Negotiations should be limited to contributions, not benefits;
2. Negotiations should be held jointly with all exclusive representatives of the bargaining units;
3. Negotiations should not be subject to impasse procedures; and
4. In the event that there is no contract in full force and effect, the employees involved should pay the entire cost of the health fund plans. Your Committee has amended this bill accordingly.

Your Committee has further amended this bill by adding a section providing that, if S.B. No. 1115 is passed by the legislature during this regular session of 1984, HRS §89-11(d), as amended by S.B. No. 1115, shall be further amended to reflect the amendment effected in Section 2 of this bill. Your Committee has also added a section providing that Sections 1, 2, 3, 5, and 6 shall take effect upon approval of this Act, and Section 4 shall take effect on July 1, 1985.

Other nonsubstantive technical and stylistic amendments have also been made to this bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 878, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form hereto as S.B. No. 878, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 725-84 Finance on S.B. No. 2119-84

The purpose of this bill is to establish a temporary study commission to review the need for and application of the concept of comparable worth for state and county employees. The commission is to submit its preliminary findings to the legislature prior to the convening of the regular session of 1985 and final findings and recommendations for any needed changes to the existing statutes and personnel systems to the 1986 legislature.

Your Committee believes that public employment should be governed by a fair and unbiased system of classification, evaluation, and compensation. Although it has been the policy of the State to ensure the development and operation of such a system for public employees, a 1979 study sponsored by the Governor's Intergovernmental Personnel Act State Advisory Committee found evidence which suggests that many government jobs in Hawaii are segregated by sex and that female-dominated job classes receive less pay than male-dominated job classes.

Your Committee believes that it would be in the public interest for the State to review the concept of comparable worth to ensure that public employees are compensated according to an orderly and equitable system that is free from any sex discrimination or other unfair or prohibited employment practices.

Your Committee has amended this bill by adding the phrase "and other laws and practices that determine wages" after the word "systems" on line 14 of page 2.

Other nonsubstantive, stylistic amendments have also been made.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2119-84, 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. 2119-84, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Nakata.

SCRep. 726-84 Finance on S.B. No. 538

The purpose of this bill is to authorize negotiation by the Governor of a transfer of the management of Hilo Hospital to the county of Hawaii or to a private non-profit organization.

Your Committee finds that the option to manage Hilo Hospital should be available to the people of the county of Hawaii if, as a consequence, this management may result in better, more cost-effective hospital services. Your Committee emphasizes that acceptance of the transfer or lease authorized in this bill by the county of Hawaii is purely on a voluntary basis. However, should the county of Hawaii choose to accept the transfer, the terms of this bill must be strictly adhered to. Therefore, once the county accepts the transfer of functions and assumes financial responsibility for the operation and maintenance of Hilo Hospital, such acceptance of functions and financial responsibility shall be deemed final and binding on the counties.

Your Committee concurs with the amendments embodied in S.B. No. 538, S.D. 1, and as noted in Senate Standing Committee Report No. 351-84.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 538, 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. 727-84 Finance on S.B. No. 1943-84

The purpose of this bill is to remedy a situation in which pest control operators who perform subcontracting work do not qualify as subcontractors or contractors under the general excise tax law.

Your Committee finds that prior to 1972, when pest control operators were included in the law on contractors, they were included as subcontractors for general excise tax purposes. However, since 1972, when a separate law was passed to regulate pest control operators, such operators have not qualified as contractors or subcontractors under the general excise tax law. Under HRS section 237-13(3)(b), where a contractor engages a specialty contractor or a subcontractor licensed under HRS section 444-9, and the total gross income for a contract is received by the contractor, the contractor pays the four per cent tax on the total amount, remitting to the subcontractor or specialty contractor his portion of the gross income and withholding the appropriate amount of the tax on the remitted amount.

For example, if a general contractor is to be paid \$500,000 for building a house and contracts with a specialty contractor for the installation of the tile work for a sum of \$100,000, the general contractor (under HRS section 237-13(3)(b)) may pay the four per cent tax on the full \$500,000 and withhold the amount that the specialty contractor would have paid on his \$100,000. Thus, the specialty contractor would receive a net of \$96,000 for his portion of the total contract. In filing his general excise tax return, the specialty contractor would be permitted to deduct this amount from his gross proceeds so long as he is able to show that the general excise tax had been paid on this amount by the general contractor.

However, because pest control operators are not specifically mentioned in HRS section 237-6 in the definition of a contractor nor are they licensed under HRS section 444-9, the department of taxation is imposing the four per cent tax on the

full amount of the contract (the \$500,000 in the example above) as well as on the amount received by the pest control operator. Therefore, the amount received by the pest control operator is subject to a tax of eight per cent (four per cent at the time received by the general contractor and four per cent when received by the pest control operator).

This bill would rectify the inequity in the present general excise tax law relating to pest control operators by taxing such operators in the same manner as other specialty contractors and subcontractors under HRS section 237-13(3)(b).

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1943-84, 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. 728-84 Finance on S.B. No. 1948-84

The purpose of this bill is to extend the expiration date for the department of budget and finance's issuance of special purpose revenue bonds assisting utilities serving the general public from June 30, 1984, to December 31, 1991.

Act 15, First Special Session Laws of Hawaii 1981, authorized the department to issue special purpose revenue bonds not to exceed \$72,252,000 during the period from July 1, 1981, through June 30, 1984, for capital improvement programs of four major utilities. The Act further provided that none of the funds realized is to be used for fossil fuel or nuclear fuel generating units. The entire amount authorized has not been issued and will not be issued by June 30, 1984.

Extending the time for the issuance of bonds under Act 15 is in the public interest in that it will enhance the ability of the utilities to develop projects utilizing Hawaii's renewable energy resources and thereby reduce the State's dependence upon imported petroleum.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1948-84, 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. 729-84 Finance on S.B. No. 1949-84

The purpose of this bill is to authorize the department of budget and finance to issue special purpose revenue bonds that would be used to refund the special purpose revenue bonds that were authorized in Act 15, First Special Session Laws of Hawaii 1981, for the purpose of assisting utilities that serve the general public in providing electric energy or gas.

The refunding authorization will enable the department to sell refunding bonds at a lower interest rate than the bonds that were originally issued under Act 15, First Special Session Laws of Hawaii 1981. Savings accruing from these lower interest rates will be passed on to the utilities' ratepayers.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1949-84 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 730-84 Finance on S.B. No. 1811-84

The purpose of this bill is to amend HRS chapter 206E relating to the Hawaii Community Development Authority:

(1) By amending section 206E-2, thereby removing an inconsistency in the definition of "project costs" and

(2) By amending section 206E-10.5, thereby permitting the Authority to provide relocation assistance, short of direct monetary payments, to persons, families, and businesses displaced by private development action, and to make temporary relocation facilities available to those displaced, provided that government action displacees are afforded priority to the use of such facilities.

Under section 206E-2, relocation costs are to be included as a project cost if such costs for relocation are in accord with HRS chapter 111, relating to the State's relocation assistance. However, section 206E-10.5 requires the Authority to provide for relocation, notwithstanding any law to the contrary. Your Committee finds that section 206E-2 should not contain any reference to chapter 111, thereby permitting the Authority's relocation costs to be included in its project costs.

Under section 206E-10.5, relocation assistance is limited to those displaced by government action. Your Committee finds that residents and businesses displaced by private development should also be entitled to relocation assistance, but not including direct monetary payments.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1811-84, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 731-84 Finance on S.B. No. 2182-84

The purpose of this bill is to amend HRS section 88-107 to clarify the allocation of earnings of the Employees' Retirement System.

Existing law provides that the Employees' Retirement System can only retain 7 per cent of its investment earnings. Any earnings in excess of 7 per cent are credited to the employer's contribution to the retirement system. The bill specifies how the income retained by the system would be credited. At the same time, the amount of interest credited to the post retirement fund but not paid to members would increase from $4\frac{1}{2}$ per cent to 7 per cent and reduce the unfunded liability in the post retirement fund.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2182-84, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 732-84 Finance on S.B. No. 1809-84

The purpose of this bill is to amend HRS section 206E-6, relating to the Hawaii Community Development Authority, by clarifying provisions by which the Authority may issue improvement district bonds to provide for the financing of public improvements in the Kakaako District.

Section 206E-6 presently requires that bonds be secured solely by the improved properties and the assessments thereon, that all moneys relating to such bonds be used solely for the principal and interest payments due on the bonds, and that any premium received on the sale of bonds be deposited into the Authority's revolving fund. Your Committee finds that the Authority should be allowed to secure these bonds with its own reserve funds, bond insurance, and other assets, as deemed necessary, to effectuate a favorable bond program. Moreover, the Authority should be allowed to use moneys, relating to the bonds, to establish reserve funds and to pay for certain expenses relating to the administration and maintenance of the program.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1809-84 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 733-84 Finance on S.B. No. 2123-84

The purpose of this bill is to provide for the establishment of a citizens advisory committee to study and advise the Legislature on the role of the State, counties

and various private agencies in the delivery of human services to the people of this State.

Your Committee finds that currently the following areas require review: (1) the roles and responsibilities that the State and counties have in the delivery of human services, (2) the role and responsibilities of private agencies in the provision of human services, and (3) the development of state policies to guide which kinds of programs should be conducted directly by government agencies and private agencies.

This bill will create an eleven-member citizens advisory committee which shall submit a report of its findings and recommendations to the Legislature prior to the convening of the Regular Session of 1985.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2123-84 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 734-84 Finance on S.B. No. 2240-84

The purpose of this bill is to authorize the board of trustees of the Hawaii Public Employees Health Fund to transmit a monthly contribution towards the purchase of health benefits under the health benefits plan of an employee organization.

Your Committee finds that the Legislature authorized the portability of contributions in the Life Insurance Plan in 1968 and Children's Dental Plan in 1980.

Your Committee concurs with the intent of this bill to allow employeebeneficiaries a choice of health benefit plans, other than those sponsored by the Hawaii Public Employees Health Fund, to meet their medical care needs.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2240-84, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 735-84 Finance on S.B. No. 2199-84

The purpose of this bill is to increase the fixed-dollar amount of public employers' monthly dental plan insurance contributions to the children's dental plan from \$5.28 to \$5.72 per eligible child under age 19.

Your Committee finds that no additional state or county funds are presently required to implement this bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2199-84, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 736-84 Corrections and Rehabilitation on H.R. No. 143

The purpose of this Resolution is to request the Department of Social Services and Housing (DSSH), and the Department of Land and Natural Resources (DLNR) to consider and develop alternative uses for the Olinda Honor Camp facility.

Your Committee received testimony from DLNR and DSSH that the Olinda facility should remain within the control of the State. DLNR indicated that it has been a longstanding position of the State that appropriate public uses should be given first preference. DSSH testified that DLNR should retain control over the facility since there may be a need for DSSH to utilize the Camp in the future, especially in light of the rapidly increasing State prison population.

Your Committee feels that all viable alternatives concerning the use of the Olinda Honor Camp should be explored. Accordingly, your Committee has amended this Resolution by revising the title, and paragraph one, page 2, of the measure to

request that DLNR, with the cooperation of DSSH conduct a study to consider alternatives for utilizing Olinda Honor Camp.

Your Committee has further amended this measure by making certain technical non-substantive changes.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.R. 143 as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 143, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 737-84 Corrections and Rehabilitation on H.C.R. No. 59

The purpose of this Concurrent Resolution is to request the Department of Social Services and Housing (DSSH), and the Department of Land and Natural Resources (DLNR) to consider and develop alternative uses for the Olinda Honor Camp facility.

Your Committee received testimony from DLNR and DSSH that the Olinda facility should remain within the control of the State. DLNR indicated that it has been a longstanding position of the State that appropriate public uses should be given first preference. DSSH testified that DLNR should retain control over the facility since there may be a need for DSSH to utilize the Camp in the future, especially in light of the rapidly increasing State prison population.

Your Committee feels that all viable alternatives concerning the use of the Olinda Honor Camp should be explored. Accordingly, your Committee has amended this Concurrent Resolution by revising the title, and paragraph one, page 2, of the measure to request that DLNR, with the cooperation of DSSH conduct a study to consider alternatives for utilizing Olinda Honor Camp.

Your Committee has further amended this measure by making certain technical non-substantive changes.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.C.R. No. 59 as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 59 H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 738-84 Corrections and Rehabilitation on H.R. No. 175

The purpose of this Resolution is (1) to request the Department of Social Services and Housing (DSSH) to terminate its practice of incarcerating and detaining an administrative hearing for alleged violations of federal immigration laws, and (2) to also request the DSSH to assess and evaluate the extent of the State's involvement in detaining immigrants and aliens in State facilities.

Your Committee on Corrections and Rehabilitation has received testimony from the State Immigration Services Center, The American Immigration Lawyers Association, Oahu Filipino Community Council, and other minority civic organizations in support of this Resolution. During the hearing, representatives from these organizations argued that the detention of aliens and immigrants in holding units in State correctional facilities was violative of the Constitutional rights of such persons.

Your Committee heard testimony from the Immigration and Naturalization Service (INS) in opposition to this measure. Officials from this agency provided information indicating that a significant portion of the immigrant population have extensive criminal backgrounds, INS officials, also testified that federal law does not differentiate between the detention procedures for aliens who have been charged with violating State or Federal criminal laws and aliens who have been charged with violating only immigration laws.

Your Committee finds:

(1) that based on a reciprocal agreement between DSSH and INS, illegal aliens, during and throughout the past twenty years have been incarcerated at Oahu Community Correctional Center (OCCC), pending INS administrative processing and

reviews and, that no attempt has been made by any government agency to explore alternatives to the incarceration of such persons;

(2) that INS's expenses for the lodging and care of immigrant detainees is estimated at \$51.54 per person per day;

(3) that there are approximately 30,000 to 40,000 illegal aliens in Hawaii, and that continuing the policy of incarcerating such alien persons will further exacerbate prison overcrowding problems;

(4) that if the State closes its facilities to alien detainees, INS will be forced to transport detainees to mainland INS Service facilities resulting in separation of detainees from families and friends in Hawaii, and will result in an additional expense for American taxpayers.

Your Committee has amended this Resolution by revising the title and the last paragraph on page one of the measure which urges DSSH to terminate its immigrant detention procedures at State correctional facilities. The title and paragraph as amended, now requests DSSH to conduct a comprehensive study regarding non-criminal immigrant detention procedures at State correctional facilities. During the hearing, DSSH was also asked to obtain and include input and recommendations from various community and civic organizations while conducting the study.

Your Committee has further amended this measure by modifying the submission date for the study, by deleting certain nonsubstantive provisions, and by re-arranging and restructuring the measure to conform with the amended title and paragraph of the Resolution.

Your Committee on Corrections and Rehabilitation concurs and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 175 H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 739-84 Corrections and Rehabilitation and Higher Education and the Arts on H.R. No. 174

The purpose of this resolution is to request the Department of Social Services and Housing and the University of Hawaii to conduct a detailed study and a proposed action plan for the transfer of the administration and function of the Social Rehabilitation of Confined Adults (UOH 859) program from the University of Hawaii to the Department of Social Services and Housing.

Your Committees are aware that in recent years two major recurring problems have affected the Social Rehabilitation of Confined Adults program:

(A) Split responsibility and authority over various aspects of the programs between the Corrections Division of the Department of Social Services and Housing and the University of Hawaii; and

(B) Change in the confinement pattern of long-term inmates.

Both problems have hampered the development of the existing corrections education program at the Oahu Community Correctional Center.

In response to Act 301, Section 52, SCH 1983, the University of Hawaii and the Corrections Division of the Department of Social Services and Housing prepared a joint study designed, in part, to deal with the above problems. The study examined the feasibility of transferring the administration and function of corrections education to the Department of Social Services and Housing and providing instructional services on a fee-for-service basis.

The study concluded there is considerable potential for program improvement if the corrections education program is transferred to the Department of Social Services and Housing. The study further concluded that such a transfer and program change whereby instructional services are purchased on a fee-for-service basis has the potential to increase the number of inmate students in correctional education programs while allowing for more diversity in course offerings.

Providing testimony in support of the study's recommendation and this resolution were the Department of Social Services and Housing and the University of Hawaii Community Colleges. Testimony by the Community Colleges indicated that such a transfer of the corrections education program would result in "educational offerings at a significantly lower per student cost."

Further testimony provided by the Community Colleges indicates education programs administered with instruction contracted on a fee-for-service basis are being adopted as national models in corrections education.

Based on the above facts and supporting testimony, your Committees believe the unification of administrative responsibility for corrections education should resolve the problems which have plagued the corrections education program and provide the opportunity to address more effectively statewide correctional needs.

Your Committees on Corrections and Rehabilitation and Higher Education and the Arts concur with the intent and purpose of H.R. No. 174 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representative Baker.

SCRep. 740-84 Water, Land Use, Development and Hawaiian Affairs and
Agriculture on H.R. No. 232

The purpose of this resolution is to request the Department of Land and Natural Resources to negotiate the acquisition of the Kohala Ditch System.

Your Committees are in agreement that agricultural development in the North Kohala area is dependent on the reliability of the water supply from the Kohala Ditch System. Your Committees find that the owner of the Ditch System, the Kohala Corporation, is receptive to discussions of proposals for the transfer of its Ditch System to a government entity.

Technical and non-substantive amendments have been made.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and on Agriculture concur with the intent and purpose of H.R. No. 232, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 232, H.D. 1.

Signed by all members of the Committees.

SCRep. 741-84 Water, Land Use, Development and Hawaiian Affairs and
Agriculture on H.C.R. No. 92

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to negotiate the acquisition of the Kohala Ditch System.

Your Committees are in agreement that agricultural development in the North Kohala area is dependent on the reliability of the water supply from the Kohala Ditch System. Your Committees find that the owner of the Ditch System, the Kohala Corporation, is receptive to discussions of proposals for the transfer of its Ditch System to a government entity.

Technical and non-substantive amendments have been made.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and on Agriculture concur with the intent and purpose of H.C.R. No. 92, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 92, H.D. 1.

Signed by all members of the Committees.

SCRep. 742-84 Transportation and Education on H.R. No. 179

The purpose of this resolution is to request the State Department of Transportation to provide a report that discusses the implementation of its school bus inspection program including inspection data and methods of enforcement. The

report would contain discussion of alternative mechanisms to encourage school bus safety and of any recommended legislation.

Your Committees find that it is in the best interest of Hawaii's school children that school buses be inspected properly and that school bus regulations be enforced strictly. Your Committees further find that the function of monitoring the condition of school buses has been recently transferred from the State Department of Education to the State Department of Transportation. Therefore, your Committees believe that it is important that the Legislature remain informed concerning the efforts of the Department of Transportation with respect to the inspection of school vehicles.

Your Committees on Transportation and Education concur with the intent and purpose of H.R. No. 179 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 743-84 Education on H.R. No. 146

The purpose of this resolution is to request the Department of Education, in consultation with relevant state and county agencies, to review and report on certain issues concerning the JPO programs of the public schools.

The purpose of the JPO program is twofold--(1) to protect the safety of students coming to and leaving school grounds, and (2) to promote leadership and civic responsibility among junior police officers. In the safer, less litigious and complex past, the JPO program worked well and fulfilled its purpose with little apparent difficulties. Now, however, problems and issues have arisen which require attention. Among these problems and issues are appropriateness of using children to control traffic, potential liability of the Department of Education and its personnel in the event of accidents, determining proper jurisdiction for pedestrian safety, and clarifying the role of the school principals. Your Committee recognizes the validity of these concerns and, through this resolution, requests a formal review of the JPO programs.

Testimonies have been received from the Department of Education, Hawaii Government Employees Association, and individual school principals. All have expressed support for this resolution.

Your Committee has made the following major amendments to this resolution.

(1) Language has been added which requests the Department of Education to consult with elementary school principals and county councils. Several principals have testified that they desire to be consulted during the review. Since the principals have direct responsibility for the JPO programs, your Committee concurs with the suggestion. Consultation with the county councils also is appropriate and necessary because the review will consider transferring jurisdiction over activities of the JPO programs to the counties.

(2) Additional issues have been added for review. The new issues are listed in paragraphs (5) to (9) of the first "BE IT RESOLVED" clause. The additional issues concern primarily the impacts of abolishing the JPO programs or transferring responsibility of JPO activities to the counties. Your Committee recognizes the value of the JPO programs in promoting pride and leadership skills of students. Thus, any changes to the JPO programs should consider the benefits while eliminating the detriments. Your Committee also recognizes that changes to the JPO programs may have fiscal implications for the State and counties, and requests the Department to analyze the implications.

(3) The date of submission of the report has been amended. The Department of Education is requested to submit a status report 10 days prior to the adjournment of the 1984 regular session and a final report 20 days prior to the convening of the Regular Session of 1985. Your Committee has decided that the provision in the resolution, as received, requesting the report prior to the adjournment of this regular session does not give the Department sufficient time for a thorough review. For this reason, the reporting date has been extended. Furthermore, the Superintendent of Education has testified that the Department has been studying the JPO programs and should have a preliminary report by April.

(4) Copies of this resolution are required to be sent to the Hawaii Association of Educational Officers and chairperson of each county council. Your Committee has made this amendment to conform to the request that the Department of Education consult with elementary school principals and county councils in conducting this review.

In addition, technical nonsubstantive amendments have been made.

Your Committee on Education concurs with the intent and purpose of H.R. No. 146, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 146, H.D. 1.

Signed by all members of the Committee.

SCRep. 744-84 Education on H.C.R. No. 61

The purpose of this concurrent resolution is to request the Department of Education, in consultation with relevant state and county agencies, to review and report on certain issues concerning the JPO programs of the public schools.

The purpose of the JPO program is twofold--(1) to protect the safety of students coming to and leaving school grounds, and (2) to promote leadership and civic responsibility among junior police officers. In the safer, less litigious and complex past, the JPO program worked well and fulfilled its purposes with little apparent difficulties. Now, however, problems and issues have arisen which require attention. Among these problems and issues are appropriateness of using children to control traffic, potential liability of the Department of Education and its personnel in the event of accidents, determining proper jurisdiction for pedestrian safety, and clarifying the role of the school principals. Your Committee recognizes the validity of these concerns and, through this concurrent resolution, requests a formal review of the JPO programs.

Testimonies have been received from the Department of Education, Hawaii Government Employees Association, and individual school principals. All have expressed support for this concurrent resolution.

Your Committee has made the following amendments to this concurrent resolution.

(1) Language has been added which requests the Department of Education to consult with elementary school principals and county councils. Several principals have testified that they desire to be consulted during the review. Since the principals have direct responsibility for the JPO programs, your Committee concurs with the suggestion. Consultation with the county councils also is appropriate and necessary because the review will consider transferring jurisdiction over activities of the JPO programs to the counties.

(2) Additional issues have been added for review. The new issues are listed in paragraphs (5) to (9) of the first "BE IT RESOLVED" clause. The additional issues concern primarily the impacts of abolishing the JPO programs or transferring responsibility of JPO activities to the counties. Your Committee recognizes the value of the JPO programs in promoting pride and leadership skills of students. Thus, any changes to the JPO programs should consider the benefits while eliminating the detriments. Your Committee also recognizes that changes to the JPO programs may have fiscal implications for the State and counties, and requests the Department to analyze the implications.

(3) The date of submission of the report has been amended. The Department of Education is requested to submit a status report 10 days prior to the adjournment of the 1984 Regular Session and a final report 20 days prior to the convening of the Regular Session of 1985. Your Committee has decided that the provision in the concurrent resolution, as received, requesting the report prior to the adjournment of this Regular Session does not give the Department sufficient time for a thorough review. For this reason, the reporting date has been extended. Furthermore, the Superintendent of Education has testified that the Department has been studying the JPO programs and should have a preliminary report by April.

(4) Copies of this concurrent resolution are required to be sent to the Hawaii Association of Educational Officers and Chairperson of each county council. Your

Committee has made this amendment to conform to the request that the Department of Education consult with elementary school principals and county councils in conducting this review.

In addition, technical nonsubstantive amendments have been made.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 61, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 61, H.D. 1.

Signed by all members of the Committee.

SCRep. 745-84 Education on H.C.R. No. 8

The purpose of this concurrent resolution is to request that the Legislative Auditor conduct a management audit of the Department of Education, including, but not be limited to: (1) an examination and evaluation of all administrative positions within the district and state offices, comparing each division's position count and needs; (2) an evaluation of progress made in implementing recommendations contained in the 1973 management audit of the Department of Education; and (3) the redeployment of personnel to improve the delivery of services at the classroom level.

Your Committee finds that Hawaii's public school system is unique in that it is the only public school system in the United States that is administered by the State, through the State Department of Education. The future of Hawaii is vested in its children and the quality of education that the Department of Education provides to these children. It is for this reason that your Committee wishes to be assured that monetary resources provided to the Department are expended in the most efficient and productive manner to achieve quality education.

Your Committee finds that the last management audit of the Department of Education was conducted in 1973, and there has been growing concern among the Legislature and the Governor that the Department has become administratively top-heavy and is overdue for an administrative review.

Your Committee has been informed by the Superintendent of Education that he will initiate an immediate review and report to the Legislature the progress made in implementing the recommendations of the 1973 management audit. The report will include, but not be limited to, (1) the Department of Education's agreement or disagreement to the findings of the 1973 management audit; (2) an update of progress made in implementing recommendations contained in the 1973 management audit; and (3) a determination of whether the Department has adequately addressed problems indicated in the management audit. The Superintendent of Education further stated that this report will be submitted to the Legislature prior to the convening of the 1985 Regular Session.

Your Committee has amended this concurrent resolution to enumerate some of the management problems revealed in the 1973 management audit of the Department of Education. The problems include, but are not limited to:

- (1) Public school system governance problems between the Board of Education and the Governor; and
- (2) A tendency of the Board to get involved in administrative matters, rather than policy making or strategic planning; and
- (3) Confusion over the respective roles and responsibilities among the Department's state office, district offices, and schools; and
- (4) Overstaffing within the state office.

Your Committee has further amended this resolution to specify that the final report be submitted to the Legislature no later than twenty days prior to the convening of the Regular Session of 1986.

Your Committee on Education is in accord with the intent and purpose of H.C.R. No. 8, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 8, H.D. 1.

Signed by all members of the Committee.

SCRep. 746-84 Education on H.C.R. No. 57

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study to identify problems in counseling services, possible solutions, recommendations and a timetable for the implementation of the recommended solutions. The study shall include, but not be limited to, the following:

(1) The activities of counselors in the public secondary schools, including the percentage of time allotted to each activity, in relation to the duties prescribed in counselor job descriptions and the State Plan for Comprehensive Guidance Program (1974);

(2) The qualifications and minimum job requirements of the counselors in the public secondary schools who provide students with career and college counseling;

(3) The in-service training that is available to counselors, and plans for providing in-service training if such training needs are identified in this study;

(4) The adequacy of counseling materials on career requirements, colleges, and financial assistance; and

(5) The coordination and articulation with other related programs, such as Outreach Counseling Programs under compensatory education, and programs currently administered by the Department of Labor and Industrial Relations, including Quick Kokua, Career Kokua, and the Career Resource Centers.

Your Committee finds that the public secondary school population includes students with a broad range of counseling needs, including, but not limited to, academic planning, career planning, and social guidance. The secondary school counselors address these needs and bring about positive changes in school programs, environment, and in the community.

Your Committee finds that these secondary school counselors are increasingly being asked to perform many other duties which are not included in their job description, and which other school personnel do not have time for, or specific responsibility to perform. The delineation of responsibilities between counselors and registrars is not clearly defined, and high schools without registrars frequently assign those duties to the counselors, or the counselor position becomes a catch-all for miscellaneous assignments. Your Committee finds that these additional duties place a tremendous burden upon the counselors and reduce the amount of time in which they can concentrate on their main objective, which is to provide effective counseling and guidance services to the students.

Your Committee has amended this concurrent resolution to specify that the Legislative Reference Bureau submit an interim report to the Legislature no later than ten days prior to the convening of the Regular Session of 1985, and submit a final report of its findings and recommendations no later than twenty days prior to the convening of the Regular Session of 1986.

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

Signed by all members of the Committee.

SCRep. 747-84 Education on H.R. No. 84

The purpose of this resolution is to have the Department of Education report on the current status of mathematics and science teachers in the public schools to determine if there is a shortage of teachers in these subject areas; and if so, to present a plan to address this problem.

Your Committee finds that the National Commission on Excellence in Education's report, A Nation at Risk: The Imperative for Educational Reform, indicates a severe shortage of mathematics and science teachers nationwide. A 1981 survey of 45 states revealed a shortage of mathematics teachers in 43 states, a critical shortage of earth sciences teachers in 33 states, and a shortage of physics

teachers everywhere. The report shows a steady decline in science achievement scores of U.S. seventeen-year-olds, as measured by national assessments of science in 1969, 1973, and 1977. The report further points out that one-half of the newly-employed mathematics and science teachers are not qualified to teach these subjects.

The Department of Education, while testifying in favor of this resolution, informed your Committee that Hawaii is currently facing a shortage of teachers in the fields of mathematics and science. To address this and other related problems, your Committee strongly urged the Department of Education to create broader and more effective partnerships between business, industry and schools to facilitate public education. Action for Excellence, a report prepared by the Task Force on Education for Economic Growth, specifically recommends that "...business leaders across the nation work actively to establish partnerships between businesses and schools: team teaching using teachers and specialists from industry, for example; customized job-training efforts between businesses and schools; the training of students and teachers in the use of equipment; courses actually taught in offices and factories; business-sponsored recognition for outstanding teachers and principals, and a host of other cooperative ventures."

Your Committee feels that the initiative to foster some type of a partnership between businesses and schools lies with the Department of Education. The Department should actively seek and inform business firms of the contributions that they can make to their community and schools by such partnerships; while receiving, in return, a better educated student who will be a part of their work force. Through such partnerships, businesses may be able to share their staff, training and expertise with schools by: (1) encouraging employees to share expertise and to teach courses in the schools, (2) letting teachers intern in business, and (3) opening training centers to teachers and students. It is the hope of your Committee that these partnerships will help to alleviate the current teacher shortage problem in mathematics and science.

Your Committee has amended this resolution to request that the Department of Education submit their report to the House Committee on Education no later than ten days prior to the closing of the 1984 legislative session.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 84, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 84, H.D. 1.

Signed by all members of the Committee.

SCRep. 748-84 Education on H.R. No. 83

The purpose of this resolution is to: (1) have the Department of Education provide an update on the implementation of the non-cost recommendations contained in the Report of the Superintendent's Task Force on the Intermediate School, and (2) to have the Department of Education report on the future plans for addressing the needs of the public intermediate schools in Hawaii.

In February of 1981, a task force comprised of Department of Education principals, educational specialists, and union representatives, was called together by former Superintendent of Education Charles G. Clark. The purpose of this task force was to conduct an in-depth review of the intermediate school level, which are defined as grades 7 and 8, with the intent of resolving problems in these grade levels.

The Report of the Superintendent's Task Force on the Intermediate School was completed in July of 1982. The report discusses a variety of non-cost recommendations and their respective recommended date of implementation. Your Committee wishes to be apprised of the current status of these non-cost recommendations and the Department of Education's future plans for the intermediate grade levels.

Your Committee has amended this resolution by specifying that the report to the House Committee on Education by the Department of Education be submitted no later than 10 days prior to the closing of the 1984 session.

Your Committee on Education concurs with the intent and purpose of H.R. No. 83, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 83, H.D. 1.

Signed by all members of the Committee.

SCRep. 749-84 Education on H.R. No. 37

The purpose of this resolution is to urge the Department of Education and Board of Education to consider the possibility of strengthening the graduation requirements in Hawaii's public schools by specifically increasing mathematics and science requirements, requiring foreign language for college-bound students, requiring computer literacy courses, and by improving the administration of the competency test, which passage is necessary for graduation. This resolution further requests that the Department submit a report thereof.

Your Committee finds that A Nation at Risk, a report prepared by the National Commission on Excellence in Education, states that international comparisons of student achievement, completed a decade ago, reveal that on 19 academic tests, American students were never first or second and, in comparison with other industrialized nations, were last seven times. The report further indicates that 13 per cent of all 17-year-olds in the United States can be considered functionally illiterate, and as much as 40 per cent can be considered functionally illiterate among minority groups. In light of these academic problems, your Committee wishes the Department of Education and Board of Education to consider strengthening their graduation requirements to help ensure that Hawaii's graduates can be academically competitive on the national and international levels.

A Nation at Risk strongly recommends that, at a minimum, all students seeking a diploma be required to lay the foundations in the five new basics by taking four years of English, three years of mathematics, three years of science, three years of social studies, and one-half year of computer science. The report also recommends that all college-bound students take two years of foreign language. The Department of Education currently requires a minimum of four years of English, two years of mathematics, two years of science, four years of social studies, one year of physical education, one-half year of health, one-half year of guidance, and six elective course credits. While your Committee recognizes that in some areas of study the Department of Education surpasses the minimum recommended requirements set forth by the National Commission on Excellence in Education, they do not meet the recommended requirements in mathematics, science, and computer science.

The Department of Education has informed your Committee that they have already begun to conduct a review of the total Foundation Program curriculum to identify areas of strengths and weaknesses. The final report has been scheduled for submission to the Board of Education in mid-July, and copies of the report will be submitted to the Legislature at that time.

Your Committee has amended this resolution to also urge the Board of Education to consider strengthening the high school graduation requirements, since the Board of Education is the policy making body for the Department of Education.

Your Committee has further amended this resolution by requesting that a status report be submitted to the House Committee on Education no later than 10 days prior to the adjournment of the Regular Session of 1984 and the final report upon completion in July, 1984.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 37, as amended herein, and recommends that it be adopted in the form attached hereto as H.R. No. 37, H.D. 1.

Signed by all members of the Committee.

SCRep. 750-84 Higher Education and the Arts on H.C.R. No. 40

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a management and financial audit of the Research Corporation of the University of Hawaii (RCUH). The Legislative Auditor is further requested to complete and submit its findings and recommendations prior to the convening of the Regular Session of 1985.

To execute its functions, the Research Corporation is presently allowed to:

. . . (1) enter into and perform contracts, grants, leases, cooperative agreements, or other transactions with agencies or instrumentalities of the United States, states, territories, or possessions, and with any foreign nations, private persons, firms, partnerships, associations, companies, or coporations; (2) implement contracts, grants, leases, cooperative agreements, or other transactions assigned by the University; (3) stimulate and promote cooperative research projects and other educational activities by organizing and coordinating personnel from the University, the public and private sectors of the State or elsewhere; and (4) receive gifts, grants, devises, bequests, or any other property from private or public sources. . .

Your Committee has been made aware there is concern regarding the Research Corporation's participation in the implementation of both purchasing contracts and personal services contracts. Further concern has been expressed regarding the general administration of Research Corporation funds.

Testifying in support of this concurrent resolution was the Director of the State Department of Planning and Economic Development. The Department of Planning and Economic Development has relied upon the Research Corporation for many years for temporary help in research projects requiring rapid response time and specialized skills. The Director testified an audit would be beneficial for several reasons. First, "the Legislative Auditor may be able to provide some useful insights which could improve RCUH's performance." Second, an audit would indicate purchasing and personal services contracts are engaged in by the Research Corporation for "specified research projects, providing necessary expertise and equipment for the research project to succeed." Further, an audit would clarify how and by whom Research Corporation funds are administered.

Further testimony was presented to your Committee by the Director of Finance of the University of Hawaii, who said the University will fully cooperate with the Legislative Auditor.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 40 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 751-84 Ocean and Marine Resources on H.R. No. 203

The purpose of this resolution is to request the Department of Land and Natural Resources to assess the feasibility of designating the waters offshore of the Leleiwi Beach Park at the Richardson Ocean Center in Hilo, Hawaii, as a Marine Life Conservation District and to coordinate its efforts with appropriate State and County agencies.

Your Committee finds that the ocean resources of our island state are a valuable and most precious resource. Your Committee further finds that establishing of the waters offshore of Leleiwi Beach Park waters as a Marine Life Conservation District would enhance and protect this important ocean educational and recreational area.

Testimony from the Chairperson of the Board of Land and Natural Resources of the Department of Land and Natural Resources expressed concurrence with the intent and purpose of this resolution. However, it was suggested that it is important to obtain public input from the residents of Hilo on the socio-economic impact of designating the area as a Marine Life Conservation District.

Testimonies submitted by the Big Island Ocean Recreation and Tourism Project Steering Committee and the Sierra Club, Hawaii Chapter, support the intent and purpose of this resolution.

Your Committee has, based on the testimony, changed the resolution by adding the underscored amendment below.

BE IT FURTHER RESOLVED that the Department of Land and Natural Resources coordinate its efforts on this matter with the State and County of Hawaii, and with organizations representative of local residents as may be appropriate;

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 203, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 203, H.D. 1.

Signed by all members of the Committee.

SCRep. 752-84 Ocean and Marine Resources and Energy, Ecology and
Environmental Protection on H.R. No. 193

The purpose of this resolution is to express opposition to any attempt by private enterprise to deny public fishing in all waters surrounding the proposed Kahe ocean thermal energy conversion (OTEC) power plant structure; further, to endorse the development of the OTEC Pilot Project and to provide additional financial support for research and development.

Your Committees find that OTEC development is one of the most promising ocean opportunities for Hawaii because it provides: 1) a source of electricity which can reduce the reliance on fossil fuels; 2) a source of potable water; 3) a source of nutrients for aquaculture; and 4) other sources of energy.

Testimony presented from the Director of Planning and Economic Development expressed concurrence with the intent and purpose of this resolution and advised that the Ocean Thermal Corporation, contractor for the OTEC plant, has indicated its plans to incorporate space for public fishing into the design of both the main plant platform and the trestle leading from the shore to the platform.

Mr. F. A. McHale, representing Hawaiian Dredging and Construction Company, a Dillingham company, testified that they are cognizant of the importance of fishing to the many people in the Leeward area and expect that the project will enhance the fishing opportunities. Further, it has always been their intention to make the project area available to fishermen.

Testimony from the Chairperson of the Board of Land and Natural Resources of the Department of Land and Natural Resources indicated that since the Board will eventually be deciding on the Conservation District Use Application, it would be somewhat premature, at this time, to either support or oppose this resolution.

Your Committees have, based on testimony, changed the resolution by reversing the order of the Be It Resolved clause and by deleting the bracketed section and adding the underscored amendments below:

BE IT FURTHER RESOLVED that this body express[es] its [opposition to any attempt by private enterprise to deny public fishing in all waters surrounding the proposed power plant structure] support for the plans and intent of Hawaiian Dredging and Construction Company, and Ocean Thermal Corporation to construct their trestle in a manner which will enhance the fishing opportunities for the local community.

Your Committees further amended the resolution by making non-substantive technical changes.

Your Committees on Ocean and Marine Resources and Energy, Ecology and Environmental Protection concur with the intent and purpose of H.R. No. 193, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 193, H.D. 1.

Signed by all members of the Committees.

SCRep. 753-84 Ocean and Marine Resources and Higher Education and the
Arts on H.R. No. 5

The purpose of this resolution is to solicit, via the students of the University of Hawaii's Marine Option Program, a suggestion of a fish which the 1985 Legislature may designate as the official state fish.

Testimony from the Chairperson of the Board of Land and Natural Resources of the Department of Land and Natural Resources expressed concurrence with the interest and purpose of the resolution. However, it was suggested that the process of selecting a fish to symbolize and represent the State involve a wider

cross-section of Hawaii's people, including students from the State's secondary educational system.

Testimony presented by the Director of the Marine Option Program (MOP), University of Hawaii, recommended that due to their "expertise with fish, their concern for public marine education and our tradition of close cooperation" the staff of the University of Hawaii Waikiki Aquarium be requested to assist MOP with the selection of the official state fish. In addition, the Director of the Waikiki Aquarium verbally testified that the selection should be an ancient and contemporary fish with religious and other Hawaiian attributes.

Your Committees have, based on the testimony, changed the resolution by adding the underscored amendment below:

BE IT RESOLVED by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, that the students of the University of Hawaii's Marine Option Program and the staff of the Waikiki Aquarium are requested to solicit public opinion, including that of students from primary through secondary levels, and to suggest to the Legislature a fish which may be designated as the official state fish.

Your Committees on Ocean and Marine Resources and Higher Education and the Arts concur with the intent and purpose of H.R. No. 5, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 5, H.D. 1.

Signed by all members of the Committees.

SCRep. 754-84 Ocean and Marine Resources and Higher Education and the Arts on H.C.R. No. 75

The purpose of this concurrent resolution is to solicit, via the students of the University of Hawaii's Marine Option Program and the staff of the Waikiki Aquarium, a suggestion of a fish which the 1985 Legislature may designate as the official state fish.

Testimonies presented from the Chairperson of the Board of Land and Natural Resources, Department of Land and Natural Resources and the Director of the Marine Option Program, University of Hawaii, expressed concurrence with the intent and purpose of this concurrent resolution.

Your Committees have amended this concurrent resolution to make technical changes that have no substantive effect.

Your Committees on Ocean and Marine Resources and Higher Education and the Arts concur with the intent and purpose of H.C.R. No. 75, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 75, H.D. 1.

Signed by all members of the Committees.

SCRep. 755-84 Education on H.R. No. 85

The purpose of this resolution is to have the Department of Education report on the status of their master plan for computer education in Hawaii's schools.

Your Committee finds that computer technology and the application of knowledge in this area is rapidly increasing in scope and importance, both in the educational system and in career fields. This rapid increase has created a critical need for accelerating the development and implementation of a comprehensive curriculum and staff development plan to address the needs of Hawaii's students.

The Department of Education has informed your Committee that they are presently revising their Plan for Computers in Education, August 1982, to accommodate recent developments. The plan consists of two parts, the education information system and computers in instruction.

Your Committee finds that the Legislature recognizes the importance of computers in education, and last year, during the Regular Session of 1983, provided funds for the Exploratory Computer Awareness Interim Program (ECAIP) in each year of the 1983-85 biennium. The Legislature intended ECAIP to be a temporary program which will be terminated when the Department of Education's master plan for

computers in education is completed and ready for implementation. Your Committee wishes to be apprised of the current status and expected implementation date of the Department's Plan for Computers in Education.

Your Committee has amended this resolution to specify that the Department of Education shall submit a status report of its Plan for Computers in Education no later than 10 days prior to the adjournment of the Regular Session of 1984.

Your Committee on Education concurs with the intent and purpose of H.R. 85, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 85, H.D. 1.

Signed by all members of the Committee.

SCRep. 756-84 Education on H.R. No. 93

The purpose of this resolution is to request that the Department of Education support the arts in education, and to report to the Legislature on the current levels of activities and funding of the various programs involving the arts in education.

Your Committee finds that the arts, encompassing theatre, visual arts, dance and music, is a very important component of basic education and has been identified by the College Board as one of the six "basic academic subjects" that students should master to be successful in college. Various national reports such as A Nation at Risk, Academic Preparation for College: What Students Need to Know and Be Able to Do, and High School: A report on Secondary Education in America all reaffirm the belief that education in the arts is an important component of basic education. Your Committee further finds that education in the arts is basic to human growth, development and creativeness.

Your Committee has amended this resolution to specify that the Department of Education submit its report to the Legislature no later than ten days prior to the adjournment of the 1984 Regular Session.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 93, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 93, H.D. 1.

Signed by all members of the Committee.

SCRep. 757-84 Finance on H.R. No. 66

The purpose of this Resolution is to request the Department of Planning and Economic Development to: (1) convene a State Tourism Conference in 1984 involving state and county government, various business sectors of the visitor industry, labor unions, the University of Hawaii's School of Travel Industry Management, and other agencies deemed pertinent by the Department to comprehensively discuss issues pertaining to tourism and (2) develop a unified policy direction for the visitor industry which would be implemented by appropriate agencies of both government and business.

Your Committee finds that, since there appears to be considerable disagreement among public and private sectors as to the proper direction and focus for tourism, it would therefore be beneficial to reach a unified consensus. Due to the wide spectrum of issues within the tourism industry, a general convention is needed to address such issues from all facets of the industry.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 66, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 758-84 Finance on H.R. No. 173

The purpose of this Resolution is to request the active encouragement of homeporting a larger segment of the U.S. Fleet at Pearl Harbor as a means in

increasing the economic base of the State of Hawaii and in providing the potential for private-sector growth in the ship repair and associated services industries.

The Eleventh Legislature of the State of Hawaii mandated and funded a study by the Department of Planning and Economic Development on how the State might encourage private-sector shipyard business development. Your Committee finds that the homeporting of a larger segment of the U.S. Fleet at Pearl Harbor would dramatically increase the number of new jobs and create up to \$40 million in additional annual output.

Your Committee is in agreement with the intent and purpose of this Resolution. However, your Committee has amended this Resolution by requesting that not only the Governor but also Hawaii's Congressional Delegation actively encourage the homeporting of a larger segment of the U.S. Fleet at Pearl Harbor. Your Committee finds that this amendment would further strengthen this Resolution. Consistent with this amendment, your Committee has amended the title of this Resolution to read as follows: "HOUSE RESOLUTION REQUESTING THAT HAWAII'S CONGRESSIONAL DELEGATION AND THE GOVERNOR ACTIVELY ENCOURAGE THE HOMEPORTING OF A LARGER SEGMENT OF THE U.S. FLEET AT PEARL HARBOR".

Your Committee has also made technical nonsubstantive amendments to this Resolution.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 173, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 173, H.D. 2.

Signed by all members of the Committee.

SCRep. 759-84 Finance on H.C.R. No. 71

The purpose of this Concurrent Resolution is to request the active encouragement of homeporting a larger segment of the U.S. Fleet at Pearl Harbor as a means in increasing the economic base of the State of Hawaii and in providing the potential for private-sector growth in the ship repair and associated services industries.

The Eleventh Legislature of the State of Hawaii mandated and funded a study by the Department of Planning and Economic Development on how the State might encourage private-sector shipyard business development. Your Committee finds that the homeporting of a larger segment of the U.S. Fleet at Pearl Harbor would dramatically increase the number of new jobs and create up to \$40 million in additional annual output.

Your Committee is in agreement with the intent and purpose of this Concurrent Resolution. However, your Committee has amended this Concurrent Resolution by requesting that not only the Governor but also Hawaii's Congressional Delegation actively encourage the homeporting of a larger segment of the U.S. Fleet at Pearl Harbor. Your Committee finds that this amendment would further strengthen this Concurrent Resolution. Consistent with this amendment, your Committee has amended the title of this Concurrent Resolution to read as follows: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT HAWAII'S CONGRESSIONAL DELEGATION AND THE GOVERNOR ACTIVELY ENCOURAGE THE HOMEPORTING OF A LARGER SEGMENT OF THE U.S. FLEET AT PEARL HARBOR".

Your Committee has also made technical nonsubstantive amendments to this Concurrent Resolution.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 71, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 71, H.D. 2.

Signed by all members of the Committee.

SCRep. 760-84 Housing on H.R. No. 324

The purpose of this resolution is to request the House Committee on Housing to conduct interim work on the issues of lease rent renegotiation in Hawaii, in the

event that measures currently before the legislature on these issues are tabled this session. It further provides that the Committee review and evaluate these measures, as well as any others that may be appropriate and that it seek and obtain input on the issues of lease rent renegotiation from lessors, lessees, the Hawaii Housing Authority, financial institutions, and any other public or private bodies that may be appropriate.

Testimony received unanimously supported the resolution. Your Committee was assured of assistance in its endeavors from lessee groups and the Hawaii Housing Authority and received verbal assurance of assistance from the Bishop Estate.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 324 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representative Baker.

SCRep. 761-84 Housing and Judiciary on H.R. No. 192

The purpose of this resolution is to request the House Committees on Housing and Judiciary to conduct joint interim work on issues related to land reform in Hawaii, provided that the United States Supreme Court invalidates all or part of the Hawaii Land Reform Act. It further stipulates that the Committees review and evaluate two House measures on these issues, proposed during the 1984 legislative session, as well as any other measures for review that may be appropriate and that they seek and obtain input in this endeavor from both lessees and lessors, financial institutions, and any other public or private bodies as may be appropriate.

Testimony was received in support of expanding the scope of the resolution so that interim work could take place regardless of whether or not the United States Supreme Court upholds the Hawaii Land Reform Act, and whether or not the Hawaii Supreme Court upholds the Act. Your Committees find that, rather than expand the scope of the resolution at this point, it would be more appropriate to await the decisions of each Court, and as they are reached, to be guided by the issues and concerns raised in those decisions. As these issues and concerns are clarified, your Committees, as appropriate, may request the convening of a joint interim Committee to address these matters.

Your Committees on Housing and Judiciary concur with the intent and purpose of H.R. No. 192 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees except Representative Baker.

SCRep. 762-84 Transportation on H.R. No. 240

The purpose of this House Resolution is to request the State Department of Transportation to investigate immediately the problem of traffic congestion on the Waipahu on-ramp to the Honolulu-bound H-1 freeway where traffic from Kamehameha Highway merges with traffic from Farrington Highway, and to determine traffic flow adjustments that may be made to alleviate the problem. Its further purpose is to request the Department to take action to alleviate the problem as soon as practicable.

Your Committee finds that the present traffic problem at the Waipahu on-ramp to the Honolulu-bound H-1 freeway is serious and getting worse. It further finds that the State Department of Transportation is the appropriate agency to investigate the problem and to take steps to alleviate it.

Your Committee on Transportation is in accord with the intent and purpose of H.R. No. 240 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Kim.

SCRep. 763-84 Transportation on H.R. No. 246

The purpose of this House Resolution is to request the Legislative Reference Bureau to conduct a study of the contribution of the federal aviation industry to

the economy of Hawaii, including, but not limited to, tax revenues to the State, revenues to the airport system, businesses and jobs created to serve general aviation, and its contribution to the State in terms of health and welfare. It is a further purpose of this House Resolution to request, if it is found that general aviation does contribute to the State, the State Department of Transportation to encourage the growth of general aviation at Honolulu International Airport, until such time as an adequate reliever airport is constructed.

Your Committee finds that it is important for the Legislature to have a current, accurate understanding of the general aviation industry in Hawaii. Your Committee finds that the study called for in H.R. No. 246 will provide valuable information upon which it can base decisions relating to general aviation and general aviation facilities.

Your Committee has amended the first "WHEREAS" clause by replacing "contributes viable" with "provides".

Your Committee has amended the second "WHEREAS" clause to correct a punctuation error.

Your Committee has also amended the third "WHEREAS" clause to correct an error in punctuation and in statutory citation, and the fourth "WHEREAS" clause to clarify a resolution citation.

Your Committee has amended the sixth "WHEREAS" clause to clarify that the 1979 report of the State Department of Transportation on general aviation "looked at general aviation revenues and expenditures" on a cash basis. Your Committee has also amended the punctuation of the sixth "WHEREAS" clause.

Your Committee has deleted the seventh "WHEREAS" clause because it was unable to verify the accuracy thereof.

Your Committee believes that the Legislative Reference Bureau could be aided considerably in its study by tapping the local general aviation industry for background information necessary for the report called for in this House Resolution. Therefore, your Committee has amended the "BE IT RESOLVED" clause of H.R. No. 246 to add the phrase "in consultation with the Experimental Aircraft Association and the General Aviation Council of Hawaii". Your Committee has also amended the "BE IT RESOLVED" clause to replace "federal" with "general" in order to correct what is apparently a typographical error.

Your Committee has also amended the first "BE IT FURTHER RESOLVED" clause to clarify which findings are to be submitted to the Legislature.

Finally, your Committee has amended the final "BE IT FURTHER RESOLVED" clause to change the reference to H.R. No. 246 from "the Resolution" to "this House Resolution" for purposes of clarity and to change the reference to "the Director of the Department of Transportation" to "the Director of Transportation" to conform to Section 26-19, Hawaii Revised Statutes.

Your Committee on Transportation is in accord with the intent and purpose of H.R. No. 246, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 246, H.D. 1.

Signed by all members of the Committee.

SCRep. 764-84 State General Planning on H.R. No. 222

The purpose of this resolution is to request the Department of Planning and Economic Development (DPED) and the Department of Budget and Finance (DB&F) to implement changes to the State budget process to more closely align it with the State planning process and to provide greater long-range policy direction in the budget process. Furthermore, the Departments are requested to submit proposed legislation and a status report of nonlegislative actions taken to link the State plan process and the budget process to the legislature thirty days prior to the convening of the Regular Session of 1985.

Your Committee has amended the resolution by requesting the DB&F to work with the DPED in implementing changes to the State budget process and, in addition has requested that the DB&F be responsible for the preparation of the status

report and proposed legislation. Your Committee feels this is a more appropriate designation of responsibility between the two departments.

Your Committee on State General Planning concurs with the intent and purpose of H.R. No. 222 as amended herein and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 222, H.D.1.

Signed by all members of the Committee except Representatives Baker and Hagino.

SCRep. 765-84 State General Planning on H.C.R. No. 91

The purpose of this concurrent resolution is to request the Department of Planning and Economic Development (DPED) and the Department of Budget and Finance (DB&F) to implement changes to the State budget process to more closely align it with the State planning process and to provide greater long-range policy direction in the budget process. Furthermore, the Departments are requested to submit proposed legislation and a status report of nonlegislative actions taken to link the State plan process and the budget process to the legislature thirty days prior to the convening of the Regular Session of 1985.

Your Committee has amended the resolution by requesting the DB&F to work with the DPED in implementing changes to the State budget process and, in addition has requested that the DB&F be responsible for the preparation of the status report and proposed legislation. Your Committee feels this is a more appropriate designation of responsibility between the two departments.

Your Committee on State General Planning concurs with the intent and purpose of H.C.R. No. 91, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 91, H.D.1.

Signed by all members of the Committee except Representative Baker.

SCRep. 766-84 State General Planning on H.R. No. 225

The purpose of this resolution is to request the Land Use Commission to report to the legislature thirty days prior to the convening of the Regular Session of 1985 on its efforts to comply with the requirements of the Hawaii State Plan and Functional Plans and any difficulties encountered in carrying out its responsibilities under Chapter 226, Hawaii Revised Statutes.

Your Committee finds that the Hawaii State Plan requires that the decisionmaking process of the Land Use Commission "...shall be in conformance with the overall theme, goals, objectives, policies and priority directions contained within this chapter..." Land Use Commission Rules also direct that decisions made by the Commission "must be consistent with.... any State Plan enacted." Your Committee is concerned that the guidance and policy direction provided by the State Plan may not be fully utilized by the Commission in its decision-making processes.

Your Committee has amended the resolution by adding the Chairperson of the State Plan Policy Council as a recipient of copies of this resolution as the resolution relates to the overall implementation of the Hawaii State Plan.

Your Committee on State General Planning concurs with the intent and purpose of H.R. No. 225 as amended herein and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 225, H.D.1.

Signed by all members of the Committee except Representative Baker.

SCRep. 767-84 State General Planning on H.C.R. No. 89

The purpose of this concurrent resolution is to request the Land Use Commission to report to the legislature thirty days prior to the convening of the Regular Session of 1985 on its efforts to comply with the requirements of the Hawaii State Plan and the Functional Plans and any difficulties encountered in carrying out its responsibilities under Chapter 226, Hawaii Revised Statutes.

Your Committee finds that the Hawaii State Plan requires that the decisionmaking process of the Land Use Commission "...shall be in conformance with the overall theme, goals, objectives, policies, and priority directions contained within this chapter..." Land Use Commission Rules also direct that decisions made by the Commission "must be consistent with... any State Plan enacted." Your Committee is concerned that the guidance and policy direction provided by the State Plan may not be fully utilized by the Commission in its decision-making processes.

Your Committee has amended the concurrent resolution by adding the Chairperson of the State Plan Policy Council as a recipient of copies of this concurrent resolution as the concurrent resolution relates to the overall implementation of the Hawaii State Plan.

Your Committee on State General Planning concurs with the intent and purpose of H.C.R. No. 89, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 89, H.D.1.

Signed by all members of the Committee except Representative Baker.

SCRep. 768-84 State General Planning on H.R. No. 224

The purpose of this resolution is to request the Board of Land and Natural Resources to report to the legislature thirty days prior to the convening of the Regular Session of 1985 on its efforts to comply with the requirements of the Hawaii State Plan and the Functional Plans and any difficulties encountered in carrying out its responsibilities under Chapter 226, Hawaii Revised Statutes.

Your Committee finds that the Hawaii State Plan requires that "The decisions made by the Board of Land and Natural Resources shall be in conformance with the overall theme, goals, objectives, policies, and priority directions contained within this chapter..." Your Committee is concerned that the guidance and policy direction provided by the State Plan may only be of use to the Board of Land and Natural Resources subsequent to the decision-making process. Your Committee feels that in order to fully implement the State Planning Act, the Plan must be incorporated into the decision-making process before decisions are made, not after.

Your Committee has amended the resolution by adding the Chairperson of the State Plan Policy Council as a recipient of copies of this resolution as the resolution relates to the overall implementation of the Hawaii State Plan.

Your Committee on State General Planning 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.C.R. No. 224, H.D.1.

Signed by all members of the Committee except Representative Baker.

SCRep. 769-84 State General Planning on H.C.R. No. 88

The purpose of this concurrent resolution is to request the Board of Land and Natural Resources to report to the legislature thirty days prior to the convening of the Regular Session of 1985 on its efforts to comply with the requirements of the Hawaii State Plan and Functional Plans and any difficulties encountered in carrying out its responsibilities under Chapter 226, Hawaii Revised Statutes.

Your Committee finds that the Hawaii State Plan requires that the "The decisions made by the Board of Land and Natural Resources shall be in conformance with the overall theme, goals, objectives, policies and priority directions contained within this chapter..." Your Committee is concerned that the guidance and policy direction provided by the State Plan may not be of use to the Board of Land and Natural Resources subsequent to the decision-making process. Your Committee feels that in order to fully implement the State Planning Act, the Plan must be incorporated into the decision-making process before decisions are made, not after.

Your Committee has amended the concurrent resolution by adding the Chairperson of the State Plan Policy Council as a recipient of copies of this concurrent resolution as the concurrent resolution relates to the overall implementation of the Hawaii State Plan.

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

Signed by all members of the Committee except Representative Baker.

SCRep. 770-84 Judiciary on H.R. No. 111

The purpose of this resolution is to request the Committee on Judiciary and the Legislative Reference Bureau to conduct an interim study on the benefit, value, propriety, and suitability of, and need for living will, durable power of attorney, and related legislation and to report its findings and recommendations to the Legislature twenty days before the convening of the Regular Session of 1985.

Your Committee has heard testimony by the American Civil Liberties Union of Hawaii and the Hawaii Nurses Association in support of this resolution.

Your Committee finds that an investigation is necessary to determine whether it is necessary to have legislation concerning living wills, which will provide for advance directives as a means of preserving some self-determination for patients who may lose their decision-making capacity due to accidents or illness.

The durable power of attorney approach to living wills is endorsed by many eminent persons in the field of medical ethics. The appointment by the patient of such an agent permits physicians to discuss medical decisions with someone whom the patient has chosen to communicate on the patient's own behalf. The durable power of attorney will allow a person to prepare personal directions for medical care which takes effect in the event the person is unable to communicate those directions.

Your Committee finds that substantial ethical issues are involved and must be thoroughly studied. An examination of living will and durable power of attorney laws enacted in other states and their experiences with these laws will provide this State with further direction in its study. Accordingly, the resolution has been amended to request this additional research.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 111, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 111, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 771-84 Judiciary on H.R. No. 88

The purpose of this resolution is to request the Legislative Reference Bureau, with the assistance of the Campaign Spending Commission, to evaluate Hawaii's Campaign Spending Law.

In 1979, the Legislature enacted the campaign spending law in order to comply with the United States Supreme Court's decision which abolished mandatory campaign spending limits. Current law provides partial public financing of campaigns in exchange for voluntarily limiting expenditures and provisions for regulating fundraisers, limiting the amount of contributions by persons, requiring periodic reports on expenses and contributions, and prohibiting anonymous contributions. Although the principal goals of both the present law and the Supreme Court decision were to keep campaign costs down in order to allow candidates to compete with some expectation of winning, as well as to lessen a candidate's reliance on special interest to supply large contributions for an expensive campaign, these goals have not always been achieved. Your Committee finds that a thorough investigation of Hawaii's campaign spending law is necessary to implement improvements to facilitate the promotion of fair, competitive, and untainted campaigns.

Your Committee has received testimony in support of this resolution from Common Cause and the League of Women Voters.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 88 (H.C.R. No. 37) and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Baker.

SCRep. 772-84 Judiciary on H.C.R. No. 37

The purpose of this resolution is to request the Legislative Reference Bureau, with the assistance of the Campaign Spending Commission, to evaluate Hawaii's Campaign Spending Law.

In 1979, the Legislature enacted the campaign spending law in order to comply with the United States Supreme Court's decision which abolished mandatory campaign spending limits. Current law provides partial public financing of campaigns in exchange for voluntarily limiting expenditures and provisions for regulating fundraisers, limiting the amount of contributions by persons, requiring periodic reports on expenses and contributions, and prohibiting anonymous contributions. Although the principal goals of both the present law and the Supreme Court decision were to keep campaign costs down in order to allow candidates to compete with some expectation of winning, as well as to lessen a candidate's reliance on special interest to supply large contributions for an expensive campaign, these goals have not always been achieved. Your Committee finds that a thorough investigation of Hawaii's campaign spending law is necessary to implement improvements to facilitate the promotion of fair, competitive, and untainted campaigns.

Your Committee has received testimony in support of this resolution from Common Cause and the League of Women Voters.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 37 (H.R. No. 88) and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Baker.

SCRep. 773-84 Judiciary on H.R. No. 60

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a comprehensive study and report on the effectiveness of state mediation programs throughout the nation and to report the findings and recommendations to the Legislature twenty days prior to the convening of the Regular Session of 1985.

Your Committee finds that there is a backlog of cases in the Hawaii state court system. During the 1982-1983 fiscal year, approximately 7,000 cases were filed in Hawaii's civil courts. These cases represent a 20% increase over the lawsuits filed in the 1981-1982 fiscal year. There is a corresponding increase in Hawaii's criminal courts.

Your Committee further finds that the heavy backlog will continue to grow as society becomes more informed and willing to file lawsuits and as the number of attorneys also increases. Public skepticism of the judiciary system grows as delays in hearings and adjudication persist. To eliminate the public skepticism and distrust in Hawaii's judiciary system alternatives to litigation must be found.

Your Committee finds that mediation is an effective alternative for resolving certain types of disputes. Your Committee has received supporting testimony from the Honolulu Neighborhood Justice Center, a local organization specializing in mediation. The Honolulu Neighborhood Justice Center has been successful in mediating and settling disputes and has eliminated the need for appearing in court. Furthermore, your Committee finds that mediation produces more durable and cost-effective solutions and that out of court settlements can save public funds.

Your Committee also finds that mediation is potentially capable as a way of resolving cases that involve public sector issues, multiple parties, or multiple issues. Mediators can initiate a series of meetings among community groups and representatives of county and state governmental agencies to work out conditions and terms that are satisfactory to the affected and impacted parties.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 60 (H.C.R. No. 13) and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Baker.

SCRep. 774-84 Judiciary on H.C.R. No. 13

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a comprehensive study and report on the effectiveness of state mediation programs throughout the nation and to report the findings and recommendations to the Legislature twenty days prior to the convening of the Regular Session of 1985.

Your Committee finds that there is a backlog of cases in the Hawaii state court system. During the 1982-1983 fiscal year, approximately 7,000 cases were filed in Hawaii's civil courts. These cases represent a 20% increase over the lawsuits filed in the 1981-1982 fiscal year. There is a corresponding increase in Hawaii's criminal courts.

Your Committee further finds that the heavy backlog will continue to grow as society becomes more informed and willing to file lawsuits and as the number of attorneys also increases. Public skepticism of the judiciary system grows as delays in hearings and adjudication persist. To eliminate the public skepticism and distrust in Hawaii's judiciary system alternatives to litigation must be found.

Your Committee finds that mediation is an effective alternative for resolving certain types of disputes. Your Committee has received supporting testimony from the Honolulu Neighborhood Justice Center, a local organization specializing in mediation. The Honolulu Neighborhood Justice Center has been successful in mediating and settling disputes and has eliminated the need for appearing in court. Furthermore, your Committee finds that mediation produces more durable and cost-effective solutions and that out of court settlements can save public funds.

Your Committee also finds that mediation is potentially capable as a way of resolving cases that involve public sector issues, multiple parties, or multiple issues. Mediators can initiate a series of meetings among community groups and representatives of county and state governmental agencies to work out conditions and terms that are satisfactory to the affected and impacted parties.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 13 (H.R. No. 60) and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Baker.

SCRep. 775-84 Public Employment and Government Operations and
Transportation on H.R. No. 195

The purpose of this House Resolution is to request the State Department of Personnel Services to study the impact of staggered work hours for state employees and to promote the concept of staggering work hours. It is a further purpose of this Resolution to have the Department of Personnel Services examine the potential effects of staggering the hours of public schools.

Your Committees find that staggering of work hours will have a desirable effect on worker productivity and morale and may also assuage traffic congestion problems in the State. Your Committees therefore favor a study to assess the efforts which have been taken by State departments to stagger hours.

Your Committees find that some of the purposes of this House Resolution are beyond the scope of the Department of Personnel Services' duties. Therefore, your Committees have amended the "BE IT RESOLVED" and "BE IT FURTHER RESOLVED" clauses of the Resolution to request that the study be conducted by the Legislative Reference Bureau.

Your Committees further find that it is appropriate that any agency studying the concept of staggering school hours should do so with the advice and assistance of the Department of Education. Therefore, your Committees have amended the first and third "BE IT FURTHER RESOLVED" clauses to add reference to the Department of Education and the Chairperson of the Board of Education.

Your Committees have also amended the Resolution by deleting language from the sixth "WHEREAS" clause and by adding new language to the eighth "WHEREAS" clause stating that, "the extent of the implementation of the Governor's executive order within the state government in recent years has not been ascertained".

Your Committees on Public Employment and Government Operations and Transportation are in accord with the intent and purpose of H.R. No. 195, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 195, H.D. 1.

Signed by all members of the Committees.

SCRep. 776-84 Public Employment and Government Operations and Consumer Protection and Commerce on H.R. No. 19

This resolution requests the establishment of a committee by the Governor to study the feasibility of shifting the State's existing reliance on programs providing direct loans to borrowers from capital of the State, to the State's guarantee of loans made by private lenders.

According to the Department of Planning and Economic Development (DPED), Act 264 of the 1965 Legislative Session established a "Guarantee of Commercial Loans Program" now codified as Chapter 211, Hawaii Revised Statutes. To their knowledge, this statute has not been used, for lack of a start-up reserve fund. Presently, the DPED administers the Hawaii Capital Loan Program (HCLP) which is a direct loan program, and although it is a very successful direct loan program, DPED would like implemented Chapter 211.

Your Committees are in agreement to amend the resolution to request that DPED conduct the contemplated study in lieu of the formal committee previously envisioned.

Your Committees on Public Employment and Government Operations and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 19, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 19, H.D. 1.

Signed by all members of the Committees except Representative Baker.

SCRep. 777-84 Employment Opportunities and Labor Relations on H.R. No. 280

The purpose of this resolution is to request that the Legislative Reference Bureau study the employment at-will doctrine. This study should include an examination of case law, pending cases and legislation in other states. Areas to be specifically addressed include employer actions which are violations of public policy or are considered by the courts as being in bad faith. Further, the Legislative Reference Bureau is requested to propose a mechanism for the administration and enforcement of laws against unlawful discharges, as well as methods of resolving disputes without burdening the judicial system.

Your Committee heard testimony from the department of labor and industrial relations in favor of a study of the employment at-will doctrine. The department stated that such a study is particularly timely in view of increasing scrutiny of employment at-will by the courts and legislative bodies. Your Committee agrees that it is necessary for the legislature to consider public policy in the area of unjust discharge. Such considerations will lead to effective labor legislation protecting employees from unfair termination while preserving the legitimate rights of employers.

Your Committee feels that the Legislative Reference Bureau should include in its report definitions of the terms "bad faith" and "unjust discharge." These definitions will help to clarify the terminology associated with the employment at-will doctrine.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 280 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Yoshimura and Medeiros.

SCRep. 778-84 Tourism on H.R. No. 133

The purpose of this resolution is to request the Mayor, Council, Planning Commission as well as the appropriate administrative departments of the City and County of Honolulu to study the feasibility of the use of its zoning authority to prohibit prostitution, pornography and other undesired activities and establishments in Waikiki, and thereafter if necessary and appropriate, draft and adopt legislation to accomplish the same.

Your Committee finds that Waikiki is a major resort destination with a majority of visitors staying in Waikiki or passing through the area. During recent years, there has been a proliferation of undesired activities such as prostitution and the growth of establishments such as massage parlors, shops specializing in the sale of pornographic materials, and mini-theatres featuring sexually explicit or suggestive films. There is widespread public as well as private concern over the adverse impact of these activities and establishments upon the physical environment and reputation of Waikiki as a pleasant and safe first class resort area for young and old alike. Your Committee realizes the need to urge the City and County of Honolulu to examine the situation in Waikiki and, if necessary, take action to diminish the problem.

Your Committee has received testimony in support of the intent of this measure from the Executive Director of the Hawaii Hotel Association.

Your Committee has amended the title and purpose of this resolution to include "all of the City and County's powers and authority" to broaden the scope of the feasibility study. Mention of Ordinance No. 82-50 currently under the Federal District Court's review pending appeal by Waikiki peddlers has been added in the discussion section of this measure. A subsequent paragraph has been added to urge the City and County of Honolulu to take action on the ordinance which will strengthen the intent of H.R. No. 133. In addition, technical, nonsubstantive amendments have been made.

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 133, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 133, H.D. 1.

Signed by all members of the Committee.

SCRep. 779-84 Agriculture on H.R. No. 221

The purpose of this resolution is to request a statewide investigation of the problem of livestock rustling, to be conducted by a House interim committee appointed by the Speaker of the House of Representatives.

Your Committee has received from the Dean of the College of Tropical Agriculture and Human Resources testimony in support of this resolution.

Your Committee finds that the cattle industry is the number one livestock enterprise in the State. Cattle rustling, however, results in significant losses incurred by ranchers, and thus poses a serious threat to the livestock industry in the State. Your Committee therefore finds that it would be desirable to investigate both 1) methods of deterring cattle rustling, and 2) penalties applicable to violators.

Your Committee has amended this resolution by deleting the second "BE IT RESOLVED" clause which urged the President of the Senate to appoint a Senate interim committee to participate with the House interim committee in the livestock rustling investigation, and by deleting references in the last two "BE IT RESOLVED" clauses to the proposed joint interim committee and the President of the Senate.

Your Committee has also made several technical, non-substantive amendments to this resolution.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 221, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 221, H.D. 1.

Signed by all members of the Committee.

SCRep. 780-84 Transportation on H.R. No. 89

The purpose of this House Resolution is to request the Legislative Auditor to study the feasibility of establishing a port authority to have jurisdiction over Hawaii's commercial harbors. It is the further purpose of this Resolution to request, if the study determines a port authority to be feasible, recommendations concerning the assumption by the port authority of debt incurred by the Department of Transportation for harbors capital improvements, the relationship of the port authority's expenditures to the current appropriation process, and the powers necessary to make the port authority effective.

Your Committee received testimony from members of the local maritime industry recommending that the State look into the feasibility of establishing a state-wide port authority to operate marine and maritime facilities and to promote the ports within the State. Your Committee finds that in light of the success of port authorities at other United States ports, it is appropriate that the Legislative Auditor study the feasibility of establishing a port authority for Hawaii.

The testimony indicated that it would be in the best interest of the State to promote local ports in order to bring more shipping, hence greater revenues, into the State. Your Committee has therefore amended H.R. No. 89 by adding a new "WHEREAS" clause following the tenth "WHEREAS" clause which reads as follows: "WHEREAS, it is desirable to establish a means to market the ports of Hawaii to attract shipping and trade for economic development and to contribute to harbors revenues; and".

Your Committee on Transportation is in accord 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 Yoshimura.

SCRep. 781-84 Agriculture and Employment Opportunities and labor Relations
on H.R. No. 206

The purpose of this measure is to request that the Mayor of the County of Hawaii and the Chairperson of the Hawaii County Council assemble an Economic Transition Team to investigate, develop, and endorse an integrated plan of action to assist those residents directly affected by the closing of the Puna Sugar Company in finding and securing employment opportunities.

Your Committees find that earlier during this twelfth legislative session, the Committee on Agriculture heard a proposal that the legislature appropriate funds, to be expended by the Department of Agriculture in fiscal year 1984-1985, to assist those affected by the closing of the Puna Sugar Company.

Testimony regarding that appropriation measure revealed that:

(1) there are few, if any, programs within the Department of Agriculture that could offer immediate and direct assistance to those persons adversely affected by the Puna Sugar Company closing;

(2) research and survey findings indicate that few Puna Sugar Company employees have training in farming or wish to secure jobs in the agricultural field;

(3) the disposition of the land donated by Amfac to the beneficiaries of the Puna Sugar Trust is mired in zoning and legal problems, and land lease uncertainties might adversely affect other agricultural lands potentially providing employment opportunities; and

(4) comprehensive economic development plans for the County of Hawaii and for the Puna district in particular will have a direct effect on employment opportunities in both the short and the long term.

On the basis of the testimony described above, the Committee on Agriculture concluded that a mere appropriation of funds by the Legislature at this time would provide an inadequate solution to the problems faced by those persons adversely affected by the Puna Sugar Company closing.

Your Committees on Agriculture and on Employment Opportunities and Labor Relations find that, given the complexity of the problem faced by the Puna residents, coordination among the many parties involved in employment, business, land, and social welfare matters and the future of the Puna district is of the highest priority. A clear and directed approach to dealing with Puna's problems and opportunities must be worked out before any substantial assistance, financial or otherwise, can wisely be offered. Your Committees are of the opinion that regional or island specific factors involved in both creating and resolving this problem necessitate a county initiated and coordinated effort.

Your Committees have received testimony in support of the intent of this measure from the Offices of the Mayor and the Chairman of the County Council, County of Hawaii; the Department of Labor and Industrial Relations; the Beneficiaries of the Puna Sugar Trust; the College of Tropical Agriculture and Human Resources; and the ILWU Local 142.

Your Committees on Agriculture and on Employment Opportunities and Labor Relations concur with the intent and purpose of H.R. No. 206 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 782-84 Agriculture and Employment Opportunities and Labor Relations
on H.C.R. No. 84

The purpose of this measure is to request that the Mayor of the County of Hawaii and the Chairperson of the Hawaii County Council assemble an Economic Transition Team to investigate, develop, and endorse an integrated plan of action to assist those residents directly affected by the closing of the Puna Sugar Company in finding and securing employment opportunities.

Your Committees find that earlier during this twelfth legislative session, the Committee on Agriculture heard a proposal that the legislature appropriate funds, to be expended by the Department of Agriculture in fiscal year 1984-1985, to assist those affected by the closing of the Puna Sugar Company.

Testimony regarding that appropriation measure revealed that:

(1) there are few, if any, programs within the Department of Agriculture that could offer immediate and direct assistance to those persons adversely affected by the Puna Sugar Company closing;

(2) research and survey findings indicate that few Puna Sugar Company employees have training in farming or wish to secure jobs in the agricultural field;

(3) the disposition of the land donated by Amfac to the beneficiaries of the Puna Sugar Trust is mired in zoning and legal problems, and land lease uncertainties might adversely affect other agricultural lands potentially providing employment opportunities; and

(4) comprehensive economic development plans for the County of Hawaii and for the Puna district in particular will have a direct effect on employment opportunities in both the short and the long term.

On the basis of the testimony described above, the Committee on Agriculture concluded that a mere appropriation of funds by the Legislature at this time would provide an inadequate solution to the problems faced by those persons adversely affected by the Puna Sugar Company closing.

Your Committees on Agriculture and on Employment Opportunities and Labor Relations find that, given the complexity of the problem faced by the Puna residents, coordination among the many parties involved in employment, business, land, and social welfare matters and the future of the Puna district is of the highest priority. A clear and directed approach to dealing with Puna's problems and opportunities must be worked out before any substantial assistance, financial or otherwise, can wisely be offered. Your Committees are of the opinion that regional or island specific factors involved in both creating and resolving this problem necessitate a county initiated and coordinated effort.

Your Committees have received testimony in support of the intent of this measure from the Offices of the Mayor and the Chairman of the County Council, County of Hawaii; the Department of Labor and Industrial Relations; the Beneficiaries of the Puna Sugar Trust; the College of Tropical Agriculture and Human Resources; and the ILWU Local 142.

Your Committees on Agriculture and on Employment Opportunities and Labor Relations concur with the intent and purpose of H.C.R. No. 84 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 783-84 Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 102

The purpose of this resolution is to request the Governor of Hawaii to appoint and fund a State Commission for the Preservation of Fort DeRussy, including a position of a paid executive director, to save Fort DeRussy from commercial development. The Commission will decide on appropriate strategies, monitor developments affecting Fort DeRussy, work with Hawaii's Congressional delegation, and effectuate a major lobbying effort.

According to testimony, there is an immediate need to preserve Fort DeRussy as open space for public recreational uses. Your Committee is in agreement that retention of Fort DeRussy in open space recreational use will clearly serve the interests of the State's visitor industry and of Hawaii's public.

Technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting resolutions, have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 102, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 102, H.D. 1.

Signed by all members of the Committee.

SCRep. 784-84 Water, Land Use, Development and Hawaiian Affairs on H.R.
No. 237

The purpose of this resolution is to request the State Tax Review Commission to examine measures, including a "Capital Companies Tax Credit Program", to encourage the flow of venture capital into Hawaii, thereby stimulating its economic development.

The 1978 Hawaii Constitution and Act 212, Session Laws of Hawaii 1983, have mandated the State Tax Review Commission to undertake a comprehensive study of the State's tax structure with regard to its fairness, revenue adequacy, degree of tax exporting, and impact on Hawaii's economy. Your Committee is of the opinion that the Commission should study a "Capital Companies Tax Credit Program", begun in the state of Louisiana, which encourages business, by granting meaningful tax credits to investors in independent "capital companies" which, in turn, invest a majority of their funds in local enterprises. Your Committee finds that the Commission is willing to undertake this study.

Your Committee recommends two amendments:

(1) In the seventh "WHEREAS" clause, on page 2, to delete the phrase "with one of the study's principal goals being to improve Hawaii's business climate, especially that for small business (those employing 20 or fewer persons)". This is not a part of the Commission's task. However, this does not preclude the possibility that the Commission may assume such a task; and

(2) To make technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting resolutions.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 237, as amended herein, and recommends

that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 237, H.D. 1.

Signed by all members of the Committee.

SCRep. 785-84 Water, Land Use, Development and Hawaiian Affairs on H.R.
No. 304 (Majority)

The purpose of this resolution is to request the Department of Land and Natural Resources to study the feasibility of setting aside State lands to certain residents to practice a subsistence life style.

Section 226-3, Hawaii Revised Statutes, the Hawaii State Planning Act of 1983, establishes three principles or values as the overall theme of the Hawaii state plan. They are individual and family self-sufficiency, social and economic mobility, and community or social well-being. Moreover, Section 226-3 provides for the enhancement of the ability of individuals and groups to pursue their goals freely, to satisfy basic needs, and to secure desired socio-economic levels for the purposes of self-reliance and self-determination. Your Committee is in agreement that this resolution addresses these principles and values.

Your Committee finds that, because the issues discussed in this resolution relate closely to the use of Hawaii's natural resources, the government agency asked to conduct such a study is understandably the Department of Land and Natural Resources. However, your Committee is of the opinion that a more appropriate focus should be directed at another government agency as the lead agency, in consultation with the Department and other groups, which have been established to address the concerns of planning for subsistence living in Hawaii. Your Committee is in agreement that the lead agency should be the University of Hawaii's Department of Urban and Regional Planning, and that the assisting agencies should be the Department of Land and Natural Resources, the Department of Hawaiian Home Lands, and the Office of Hawaiian Affairs.

Therefore, your Committee recommends the following amendments to the resolution:

(1) In the title of the resolution, to replace the Department of Land and Natural Resources as the lead agency by the University of Hawaii's Department of Urban and Regional Planning, and to assign as assisting agencies the Department of Land and Natural Resources, the Department of Hawaiian Home Lands, and the Office of Hawaiian Affairs;

(2) To replace the first "WHEREAS" clause, on page 3, with a new one:

"WHEREAS, Section 226-3, Hawaii Revised Statutes, the Hawaii State Planning Act, establishes the principles or values of individual and family self-sufficiency, social and economic mobility, and community or social well-being as the overall theme of the Hawaii state plan, and further provides for the enhancement of the ability of individuals and groups to pursue their goals freely, to satisfy basic needs, and to secure desired socio-economic levels for the purposes of self-reliance and self-determination; and".

This new "WHEREAS" clause reflects more accurately than the original one the intent and purpose of the entire resolution.

(3) To replace the third "WHEREAS" clause, on page 3, with a new one:

"WHEREAS, the Hawaii State Planning Act establishes, in part, these policies:

(1) In Section 226-25(b), to support activities and conditions that promote cultural values, customs, and arts that enrich the life styles of Hawaii's people; and

(2) In Section 226-19(b), to foster a variety of life styles traditional to Hawaii through the design and maintenance of neighborhoods that reflect the culture and values of the community;

and".

This new "WHEREAS" clause reflects more accurately than the original one the intent and purpose of Sections 226-25(b) and 226-19(b), Hawaii Revised Statutes.

(4) In the "BE IT RESOLVED" clause, on page 4, to make all appropriate changes as indicated in the title;

(5) In the last two "BE IT FURTHER RESOLVED" clauses, on page 5, to make all appropriate changes as indicated in the title; and

(6) To make technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting resolutions.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 304, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 304, H.D. 1.

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

SCRep. 786-84 Water, Land Use, Development and Hawaiian Affairs on
H.C.R. No. 116 (Majority)

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to study the feasibility of setting aside State lands to certain residents to practice a subsistence life style.

Section 226-3, Hawaii Revised Statutes, the Hawaii State Planning Act of 1983, establishes three principles or values as the overall theme of the Hawaii state plan. They are individual and family self-sufficiency, social and economic mobility, and community or social well-being. Moreover, Section 226-3 provides for the enhancement of the ability of individuals and groups to pursue their goals freely, to satisfy basic needs, and to secure desired socio-economic levels for the purposes of self-reliance and self-determination. Your Committee is in agreement that this concurrent resolution addresses these principles and values.

Your Committee finds that, because the issues discussed in this concurrent resolution relate closely to the use of Hawaii's natural resources, the government agency asked to conduct such a study is understandably the Department of Land and Natural Resources. However, your Committee is of the opinion that a more appropriate focus should be directed at another government agency as the lead agency, in consultation with the Department and other groups, which have been established to address the concerns of planning for subsistence living in Hawaii. Your Committee is in agreement that the lead agency should be the University of Hawaii's Department of Urban and Regional Planning, and that the assisting agencies should be the Department of Land and Natural Resources, the Department of Hawaiian Home Lands, and the Office of Hawaiian Affairs.

Therefore, your Committee recommends the following amendments to this concurrent resolution:

(1) In the title of the concurrent resolution, to replace the Department of Land and Natural Resources as the lead agency by the University of Hawaii's Department of Urban and Regional Planning, and to assign as assisting agencies the Department of Land and Natural Resources, the Department of Hawaiian Home Lands, and the Office of Hawaiian Affairs;

(2) To replace the first "WHEREAS" clause, on page 3, with a new one:

"WHEREAS, Section 226-3, Hawaii Revised Statutes, the Hawaii State Planning Act, establishes the principles or values of individual and family self-sufficiency, social and economic mobility, and community or social well-being as the overall theme of the Hawaii state plan, and further provides for the enhancement of the ability of individuals and groups to pursue their goals freely, to satisfy basic needs, and to secure desired socio-economic levels for the purposes of self-reliance and self-determination; and"

This new "WHEREAS" clause reflects more accurately than the original one the intent and purpose of the entire concurrent resolution.

(3) To replace the third "WHEREAS" clause, on page 3, with a new one:

"WHEREAS, the Hawaii State Planning Act establishes, in part, these policies:

(1) In Section 226-25(b), to support activities and conditions that promote cultural values, customs, and arts that enrich the life styles of Hawaii's people; and

(2) In Section 226-19(b), to foster a variety of life styles traditional to Hawaii through the design and maintenance of neighborhoods that reflect the culture and values of the community;

and".

This new "WHEREAS" clause reflects more accurately than the original one the intent and purpose of Sections 226-25(b) and 226-19(b), Hawaii Revised Statutes.

(4) In the "BE IT RESOLVED" clause, on page 4, to make all appropriate changes as indicated in the title;

(5) In the last two "BE IT FURTHER RESOLVED" clauses, on page 5, to make all appropriate changes as indicated in the title; and

(6) To make technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting concurrent resolutions.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 116, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 116, H.D. 1.

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

SCRep. 787-84 Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 279 (Majority)

The purpose of this resolution is to request the Board of Land and Natural Resources to lease the former Hale Mohalu site to an eleemosynary organization for youth athletic and recreational activities.

Section 171-43, Hawaii Revised Statutes, allows the Board of Land and Natural Resources to lease land directly to any eleemosynary or religious organization for specified purposes on a nominal consideration basis. However, the Board does not at this time have the authority to make any disposition of the Hale Mohalu site. Under Executive Order No. 2641, the Department of Health was authorized jurisdiction of the Hale Mohalu site. Executive Order No. 3214 has cancelled Executive Order No. 2641. However, Section 171-11, Hawaii Revised Statutes, specifies that executive orders setting aside or withdrawing public lands are subject to legislative disapproval. If the present Legislature adjourns without disapproving Executive Order No. 3214, the Board will assume authority to dispose of the Hale Mohalu site.

According to testimony by the Board, several organizations, including the Hawaii Housing Authority, the Office of Hawaiian Affairs, and a group intending to form a non-profit organization for the purpose of utilizing the Hale Mohalu site as specified in this resolution, have expressed interest in the site.

Concerns expressed by the several people testifying in favor of attaching to this resolution a request to make available a 2.5-acre parcel, to former Hale Mohalu patients, is acknowledged. However, your Committee is of the opinion that the Hale Mohalu supporters can make their request directly to the Department of Land and Natural Resources.

Your Committee recommends two amendments:

(1) To delete the first "BE IT FURTHER RESOLVED" clause, on page 2, because the Board of Land and Natural Resources submits an annual report on its actions on land disposition; and

(2) To make technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting resolutions.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 279, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 279, H.D. 1.

Signed by all members of the Committee.
(Representatives Crozier, Hee, Kiyabu-Saballa and Nakata did not concur.)

SCRep. 788-84 Water, Land Use, Development and Hawaiian Affairs on
H.C.R. No. 110 (Majority)

The purpose of this concurrent resolution is to request the Board of Land and Natural Resources to lease the former Hale Mohalu site to an eleemosynary organization for youth athletic and recreational activities.

Section 171-43, Hawaii Revised Statutes, allows the Board of Land and Natural Resources to lease land directly to any eleemosynary or religious organization for specified purposes on a nominal consideration basis. However, the Board does not at this time have the authority to make any disposition of the Hale Mohalu site. Under Executive Order No. 2641, the Department of Health was authorized jurisdiction of the Hale Mohalu site. Executive Order No. 3214 has cancelled Executive Order No. 2641. However, Section 171-11, Hawaii Revised Statutes, specifies that executive orders setting aside or withdrawing public lands are subject to legislative disapproval. If the present Legislature adjourns without disapproving Executive Order No. 3214, the Board will assume authority to dispose of the Hale Mohalu site.

According to testimony by the Board, several organizations, including the Hawaii Housing Authority, the Office of Hawaiian Affairs, and a group intending to form a non-profit organization for the purpose of utilizing the Hale Mohalu site as specified in this concurrent resolution, have expressed interest in the site.

Concerns expressed by the several people testifying in favor of attaching to this concurrent resolution a request to make available a 2.5-acre parcel, to former Hale Mohalu patients, is acknowledged. However, your Committee is of the opinion that the Hale Mohalu supporters can make their request directly to the Department of Land and Natural Resources.

Your Committee recommends two amendments:

(1) To delete the first "BE IT FURTHER RESOLVED" clause, on page 2, because the Board of Land and Natural Resources submits an annual report on its actions on land disposition; and

(2) To make technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting concurrent resolutions.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 110, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 110, H.D. 1.

Signed by all members of the Committee.
(Representatives Crozier, Hee, Kiyabu-Saballa and Nakata did not concur.)

SCRep. 789-84 Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 259

The purpose of this resolution is to request the Committee on Water, Land Use, Development and Hawaiian Affairs to convene an informational meeting to investigate and discuss the feasibility of designating different agencies to implement the proposed water code being developed by the Advisory Study Commission on Water Resources.

Act 170, Session Laws of Hawaii 1982, mandated the establishment of an Advisory Study Commission on Water Resources to formulate a water code for the State.

The Commission will submit the water code to the Regular Session of 1985. Your Committee is of the opinion that it would be expedient to have preliminary discussions regarding lead and assisting agencies for the implementation of the State water code. Your Committee will therefore solicit input at the informational meeting from a variety of affected parties identified in the resolution.

Technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting resolutions, have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 259, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 259, H.D. 1.

Signed by all members of the Committee.

SCRep. 790-84 Water, Land Use, Development and Hawaiian Affairs on
H.C.R. No. 52

The purpose of this concurrent resolution is to expand the use of concession agreements to assist the Department of Land and Natural Resources in providing state camping and lodging facilities and services.

According to testimony by the Department of Land and Natural Resources, present and anticipated fiscal constraints have reduced the Department's capacity to develop, operate, and maintain camping and cabin rental facilities at a satisfactory level of public service. Your Committee is in agreement that the Department needs to find alternate means. Your Committee is of the opinion that the use of concession agreements, pursuant to Chapter 184, Hawaii Revised Statutes, and an expanded use of private sector funds, pursuant to Section 171-60, Hawaii Revised Statutes, would enhance the Department's ability to continue to meet public recreational needs. Moreover, your Committee recognizes that four State parks on Oahu are appropriate sites where the Department may implement this program in the use of concession agreements: Waimanalo Bay State Recreation Area, Malaekahana State Recreation Area, Kaiaka State Recreation Area, and Wahiawa State Freshwater Park.

Technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting concurrent resolutions, have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 52, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 52, H.D. 1.

Signed by all members of the Committee.

SCRep. 791-84 Energy, Ecology and Environmental Protection on H.R. No. 94

The purpose of this resolution is (1) to request the Governor's Ad Hoc Committee on Water to determine the source of EDB contamination of the Waipahu wells and report its findings prior to the adjournment of the Regular Session of 1984; and (2) to request that Hawaii's congressional delegation assist in contacting the military to obtain information about the location and condition of its field fuel storage tanks and whether any problems have been encountered in the past with fuel leakages.

Your Committee heard testimony from the Departments of Agriculture and Health, the Office of Environmental Quality Control, the Environmental Council, and the Sierra Club, all supporting the intent of the resolution.

Your Committee finds that in order to fully accomplish the purpose of this resolution that the study submission date should be amended to read "prior to the convening of the Regular Session of 1985" rather than "prior to the adjournment of the Regular Session of 1984".

Your Committee further amends this resolution so that the Office of Environmental Quality Control determines the source of EDB contamination rather than the Governor's Ad Hoc Committee on Water, since the latter body has been dissolved by the Department of Health, and OEQC has been designated the lead coordinating agency.

Your Committee on Energy, Ecology and Environmental Protection is in accord with the intent and purpose of H.R. No. 94, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 94, H.D. 1.

Signed by all members of the Committee except Representative KiyabuSaballa.

SCRep. 792-84 Energy, Ecology and Environmental Protection on H.C.R. No.
39

The purpose of this resolution is (1) to request the Governor's Ad Hoc Committee on Water to determine the source of EDB contamination of the Waipahu wells and report its findings prior to the adjournment of the Regular Session of 1984; and (2) to request that Hawaii's congressional delegation assist in contacting the military to obtain information about the location and condition of its field fuel storage tanks and whether any problems have been encountered in the past with fuel leakages.

Your Committee heard testimony from the Departments of Agriculture and Health, the Office of Environmental Quality Control, the Environmental Council, and the Sierra Club, all supporting the intent of the resolution.

Your Committee finds that in order to fully accomplish the purpose of this resolution that the study submission date should be amended to read "prior to the convening of the Regular Session of 1985" rather than "prior to the adjournment of the Regular Session of 1984".

Your Committee further amends this resolution so that the Office of Environmental Quality Control determines the source of EDB contamination rather than the Governor's Ad Hoc Committee on Water, since the latter body has been dissolved by the Department of Health, and QEQC has been designated the lead coordinating agency.

Your Committee on Energy, Ecology and Environmental Protection is in accord with the intent and purpose of H.C.R. No. 39, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 39, H.D. 1.

Signed by all members of the Committee except Representative KiyabuSaballa.

SCRep. 793-84 Energy, Ecology and Environmental Protection on H.R. No. 275

The purpose of this resolution is to have the federal EPA set standards in drinking water for chemical contaminants. Currently, there are many chemicals in Hawaii's drinking water that do not have safety standards. This has created difficulty for the State in determining what levels of contamination in drinking water are safe and should be enforced.

Your Committee received testimony from the Deputy Director of the Department of Health's Environmental Protection and Health Services Division in favor of H.R. No. 275. Your Committee also received testimony from the Hawaiian Sugar Planters Association in favor of H.R. No. 275 which also suggested that the Resolution be amended by:

(1) Changing the wording on page one in the fifth whereas clause, so that it is clear that there is a dispute over the long-term health effects of ingesting low-level contaminants in drinking water. By eliminating the word no in the first sentence of "There is (no) dispute".

(2) Eliminating the third whereas clause on page two, since it inaccurately implies that EDB fumigation of stored grain is directly related to groundwater contamination by EDB.

Your Committee concurred with the amendments received by the Hawaiian Sugar Planters Association's testimony.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.R. No. 275, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 275, H.D. 1.

Signed by all members of the Committee except Representative KiyabuSaballa.

SCRep. 794-84 Energy, Ecology and Environmental Protection on H.C.R.
No. 105

The purpose of this resolution is to have the federal EPA set standards in drinking water for chemical contaminants. Currently, there are many chemicals in Hawaii's drinking water that do not have safety standards. This has created difficulty for the State in determining what levels of contamination in drinking water are safe and should be enforced.

Your Committee received testimony from the Deputy Director of the Department of Health's Environmental Protection and Health Services Division in favor of H.C.R. No. 105. Your Committee also received testimony from the Hawaiian Sugar Planters Association in favor of H.C.R. No. 105 which also suggested that the Resolution be amended by:

(1) Changing the wording on page one in the fifth whereas clause, so that it is clear that there is a dispute over the long-term health effects of ingesting low-level contaminants in drinking water. By eliminating the word no in the first sentence of "There is (n0) dispute".

(2) Eliminating the third whereas clause on page two, since it inaccurately implies that EDB fumigation of stored grain is directly related to groundwater contamination by EDB.

Your Committee concurred with the amendments received by the Hawaiian Sugar Planters Association's testimony.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.C.R. No. 105, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 105, H.D. 1.

Signed by all members of the Committee except Representative KiyabuSaballa.

SCRep. 795-84 Energy, Ecology and Environmental Protection on H.R. No. 235

The purpose of this resolution is (1) to continue efforts to obtain information on the use of pesticides and related hazardous and toxic substances by the United States military; and (2) to request that an annual report on pesticide usage by the United States military be submitted to the state agency responsible for coordinating environmental quality, presently the Office of Environmental Quality Control.

Your Committee heard testimony from the Departments of Agriculture and Health, the Office of Environmental Quality Control, the University of Hawaii College of Tropical Agriculture and Human Resources, and the Sierra Club. All supported the intent and purpose of the resolution and agreed that certain portions need to be amended for accuracy and clarification.

Your Committee, therefore, has amended the resolution in the following respects:

1. The title of the resolution is amended to read: "RELATING TO PESTICIDE AND TOXIC/HAZARDOUS CHEMICAL USAGE BY THE MILITARY AND OTHER FEDERAL AGENCIES", in order to expand the scope of the resolution.

2. The second "whereas" clause is amended to read as follows:

WHEREAS, these incidents include traces of DBCP (dibromo-chloropropane) and EDB (ethylene dibromide) found in Kunia's drinking water in 1980 and EDB in Waipahu in 1983 and traces of DBCP in Mililani wells in 1982; and

3. The fourth "whereas" clause is amended to read as follows:

WHEREAS, the last comprehensive annual survey of pesticide usage in the state was conducted by the Hawaii Pesticide Hazard Assessment Project, University of Hawaii for calendar year 1977; and

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.R. No. 235, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 235, H.D. 1.

Signed by all members of the Committee except Representative KiyabuSaballa.

SCRep. 796-84 Energy, Ecology and Environmental Protection on H.C.R. No. 95

The purpose of this resolution is (1) to continue efforts to obtain information on the use of pesticides and related hazardous and toxic substances by the United States military; and (2) to request that an annual report on pesticide usage by the United States military be submitted to the state agency responsible for coordinating environmental quality, presently the Office of Environmental Quality Control.

Your Committee heard testimony from the Departments of Agriculture and Health, the Office of Environmental Quality Control, the University of Hawaii College of Tropical Agriculture and Human Resources, and the Sierra Club. All supported the intent and purpose of the resolution and agreed that certain portions need to be amended for accuracy and clarification.

Your Committee, therefore, has amended the resolution in the following respects:

1. The title of the resolution is amended to read: "RELATING TO PESTICIDE AND TOXIC/HAZARDOUS CHEMICAL USAGE BY THE MILITARY AND OTHER FEDERAL AGENCIES", in order to expand the scope of the resolution.

2. The second "whereas" clause is amended to read as follows:

WHEREAS, these incidents include traces of DBCP (dibromo-chloropropane) and EDB (ethylene dibromide) found in Kunia's drinking water in 1980 and EDB in Waipahu in 1983 and traces of DBCP in Mililani wells in 1982; and

3. The fourth "whereas" clause is amended to read as follows:

WHEREAS, the last comprehensive annual survey of pesticide usage in the state was conducted by the Hawaii Pesticide Hazard Assessment Project, University of Hawaii for calendar year 1977; and

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.C.R. No. 95, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 95, H.D. 1.

Signed by all members of the Committee except Representative KiyabuSaballa.

SCRep. 797-84 Energy, Ecology and Environmental Protection on H.R. No. 211

The purpose of this resolution is to urge the United States, the Soviet Union, and other nations of the United Nations to adopt a treaty to permanently abolish the production, stockpiling, and use of chemical, biological, and radiological weapons, with provisions to be included in the treaty for verifying and enforcing compliance with such agreements.

Your Committee heard from a representative of the Hawaii Council of Churches favoring the resolution.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.R. No. 211 and recommends its adoption.

Signed by all members of the Committee except Representative KiyabuSaballa.

SCRep. 798-84 Agriculture and Energy, Ecology and Environmental Protection on H.R. No. 33

The purpose of this resolution is to request the House Committee on Agriculture to hold public hearings to review the progress and status of development of alternative treatments or processes to replace pesticides which have been banned by the federal Environmental Protection Agency.

Your Committees have received testimony in support of the intent of this resolution from the Board of Agriculture, the College of Tropical Agriculture and Human Resources of the University of Hawaii, the Pineapple Growers Association of Hawaii, the Hawaii Farm Bureau Federation, and the Hawaii Papaya Industry Association.

Your Committees find that two species of nematodes, the root knot and the reniform nematode, are the major limiting factors in the production of pineapples in Hawaii. Soil fumigation has been the standard method of control since the 1940's. However, the registrations of the brominated fumigants are nearing an end, and the remaining fumigant, Telone, has not been found to be effective against the reniform nematode under some conditions. Thus, it is essential to examine other possible nematicides and methods of application and cultural and biological nematode control methods.

Your Committees also find that 80 percent of the annual crop produced by Hawaii's papaya industry is shipped out of State and must be treated for fruit fly infestation. The costs of fruit fly eradication in the State are currently estimated to be between \$141 and \$493 million in 1983 dollars. Furthermore, the proposed Tri-Fly Eradication Program is opposed by numerous conservationists, environmentalists, and biologists who are interested in the study and preservation of native flora and fauna. The Hawaiian Papaya industry believes that the recently developed "double dip" treatment method may be a viable short-term alternative to the use of EDB for post-harvest disinfection. Your Committees find that further study of the Tri-Fly Eradication Program and currently-proposed disinfection treatment methods, and research and development of other alternatives that might be more effective and/or applicable to other agricultural commodities is well-warranted at this time.

Your Committees have amended this resolution to request that the Committee on Energy, Ecology and Environmental Protection, together with the Committee on Agriculture, evaluate and assess alternative treatments or processes to replace pesticides which have been banned by the Environmental Protection Agency, for the purpose of ascertaining the progress and status of development of alternatives; and submit a report of their findings and recommendations for legislative action prior to the convening of the Regular Session of 1985. Your Committees have accordingly amended the title of this measure to read: "HOUSE RESOLUTION REQUESTING AN INVESTIGATION OF ALTERNATIVE TREATMENTS OR PROCESSES TO REPLACE THE USE OF PESTICIDES WHICH HAVE BEEN BANNED", and have amended the last "BE IT RESOLVED" clause to indicate that a certified copy of this resolution shall be transmitted to the Chairperson of the House Committee on Energy, Ecology and Environmental Protection as well as to the Speaker of the House of Representatives and the Chairperson of the House Committee on Agriculture.

Your Committees find that effective pest control is essential to the continued viability of Hawaii's pineapple and papaya and other agricultural industries, and thus to the State's economy. Your Committees therefore find it highly desirable that the Legislature be fully aware of the consequences of each Environmental Protection Agency-levied ban on the use of a pesticide, and of the options for and implications of alternative treatments.

Your Committees on Agriculture and Energy, Ecology and Environmental Protection concur with the intent and purpose of H.R. No. 33, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 33, H.D. 1.

Signed by all members of the Committees.

SCRep. 799-84 Transportation on H.R. No. 238

The purpose of this resolution is to request the State Department of Transportation, under administrative rule 19-41-10, to designate an area at Kewalo Basin for use by yacht charter operations and to adopt rules governing the harboring of such charter vessels.

Your Committee received testimony from the State Department of Transportation opposing this resolution on the basis that such special facilities are not essential for such an operation to exist. Further, the Department stated that to accommodate the requests of the resolution would require the Department to make exceptions to its rules which have been developed over the years to implement

various court decisions as well as to laws and policies formulated through a consensus of the primary users of the Kewalo Basin facility.

Your Committee also received testimony from Hawaiiana Yacht Charters, a business presently operating out of temporary facilities at Kewalo Basin, indicating that for a yacht charter business to remain viable in Hawaii, facilities close and convenient to tourist populations are necessary. Furthermore, it was stated that changes to the existing harbors rules and regulations, to allow multiple usage of and mooring within a berthing facility, are needed to accommodate the unique requirements of yacht chartering businesses.

Your Committee finds that the yacht charter industry in Hawaii is a small, yet important part, of the State's visitor industry and that its continued existence and potential growth are highly desirable. Your Committee also finds that berthing facilities for recreational and commercial boating operations are in extremely short supply--not only at Kewalo Basin, but throughout the State. Further, your Committee finds that while existing harbors rules and regulations work to the detriment of yacht chartering businesses, their intent is not to be discriminatory, but rather to prevent abuse of limited facilities and to afford all boat owners and operators an equitable opportunity to obtain and utilize berthing facilities.

Your Committee has therefore amended the title of H.R. No. 238 to read as follows: "House Resolution Requesting Provision for Yacht Charter Operations."

Your Committee has also amended the resolution by completely rewriting all but the first, third, and last WHEREAS clauses to reflect:

- (1) The importance of the yacht charter industry to the visitor industry;
- (2) The existing uses at Kewalo Basin;
- (3) The background and effect of the Department's current administrative rules governing Kewalo Basin; and
- (4) The Department's future plans for Kewalo Basin and Honolulu Harbor.

Your Committee has further amended this resolution by amending the first BE IT RESOLVED clause to request that the Department of Transportation, "review present and proposed harbor improvement projects within the metropolitan Honolulu area and investigate the feasibility of designating an appropriate location for the establishment of yacht charter operations which will be afforded the same degree of convenient public access as provided to other commercial craft serving the tourist industry."

The first BE IT FURTHER RESOLVED clause was also amended to request the Department to "review its administrative rules and adopt revisions as necessary to govern yacht charter operations, and to provide equal status and consideration for yacht charter operations with that now provided for other tourist-related commercial vessel operations."

The second BE IT FURTHER RESOLVED clause was also amended to reflect the aforementioned language, and finally, the last BE IT FURTHER RESOLVED clause has been amended to include among those receiving certified copies, the Director of the State Department of Planning and Economic Development.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 238, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 238, H.D. 1.

Signed by all members of the Committee.

SCRep. 800-84 Judiciary on H.R. No. 180

The purpose of this resolution is to request the Family Court to study and implement mediation in child custody cases and to report its findings and recommendations to the Legislature twenty days prior to the convening of the Regular Session of 1985.

Your Committee finds that as society becomes more complex, so do the roles of parents. Child care responsibilities are increasingly being shared by both

parents. There are numerous cases that when marriages fail, both parents are willing and capable of caring for their children. The Family Court is finding it increasingly difficult to determine which parent should be the custodial parent. Consequently, joint custody becomes the alternative to this situation. Yet, the Family Court may be unable to determine the best and most effective arrangements for a child subject to joint custody.

Your Committee has received testimony from the Family Court and the Neighborhood Justice Center in support of this resolution. Your Committee finds that mediation is currently used to solve some custodial disputes. Mediation allows parents to communicate their concerns in an unthreatening atmosphere conducive to open and free discussion. Furthermore, custody arrangements that are designed and mutually agreed to show a higher potential for success.

In their testimony, the Family Court suggests that it convene an ad-hoc committee to conduct this study. The committee would be comprised of members from the Neighborhood Justice Center, the Hawaii Bar Association, the University of Hawaii, as well as other individuals who have expertise in the implementation of mediation. Accordingly, your Committee has amended the resolution to include the ad-hoc committee.

Your Committee finds that mediation should be considered a useful tool in resolving child custody cases and should be investigated further.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 180, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 180, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 801-84 Health on H.R. No. 314

The purpose of this resolution is to recognize May 1984 as Better Hearing and Speech Month.

Your Committee received testimony in support of this resolution from the Hawaii Speech-Language-Hearing Association and from the Commission on the Handicapped.

Your Committee finds that hearing, speech, and language disorders constitute our nation's number one handicapping disability, affecting an estimated ten percent of all Americans.

In Hawaii, the Hawaii Speech-Language-Hearing Association, in conjunction with other organizations, will sponsor Better Hearing and Speech Month in May, 1984. This annual effort will inform the public about communicative disorders by encouraging prevention, early detection, proper treatment, and greater understanding about speech and hearing impairments.

Your Committee has amended this resolution to clarify the types of activities to be conducted during Better Hearing and Speech Month.

Your Committee on Health concurs with the intent and purpose of H.R. No. 314, as amended herein, and recommends its adoption in the form attached hereto as H.R. 314, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 802-84 Health on H.C.R. No. 123

The purpose of this concurrent resolution is to recognize May 1984 as Better Hearing and Speech Month.

Your Committee received testimony in support of this concurrent resolution from the Hawaii Speech-Language-Hearing Association and from the Commission on the Handicapped.

Your Committee finds that hearing, speech, and language disorders constitute our nation's number one handicapping disability, affecting an estimated ten percent of all Americans.

In Hawaii, the Hawaii Speech-Language-Hearing Association, in conjunction with other organizations, will sponsor Better Hearing and Speech Month in May, 1984. This annual effort will inform the public about communicative disorders by encouraging prevention, early detection, proper treatment, and greater understanding about speech and hearing impairments.

Your Committee has amended this concurrent resolution to clarify the types of activities to be conducted during Better Hearing and Speech Month.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 123, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 123, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 803-84 Energy, Ecology and Environmental Protection and Health on
H.R. No. 234

The purpose of this resolution is to request that the federal government place increased emphasis on determining the health risks of pesticides on human beings, so that proper and appropriate action can be taken by the state regarding the safety of its citizens. The state has been placed in a dilemma because if it sets its own safety standards without proper federal guidelines, the state may be liable to law suits as has occurred in Florida.

Your Committees received testimony from the Deputy Director of the Department of Health and the Dean of the College of Tropical Agriculture and Human Resources of the University of Hawaii at Manoa. Both were in favor of the resolution.

Testimony was received requesting that the resolution be amended by replacing the first "Be it resolved" clause with the following:

BE IT RESOLVED by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, that the Governor and Hawaii's congressional delegation commend the Environmental Protection Agency for its efforts to establish maximum permissible levels of toxicants and urge that these efforts be significantly increased; and

BE IT FURTHER RESOLVED that the Hawaii congressional delegation propose appropriations of adequate resources to accomplish the goal of maximum permissible toxicant levels'

Your Committees concur with these amendments and recommend that they be incorporated.

Your Committees on Energy, Ecology and Environmental Protection and Health are in accord with the intent and purpose of H.R. No. 234, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 234, H.D. 1.

Signed by all members of the Committees except Representative Baker.

SCRep. 804-84 Energy, Ecology and Environmental Protection and Health on
H.C.R. No. 94

The purpose of this concurrent resolution is to request that the federal government place increased emphasis on determining the health risks of pesticides on human beings, so that proper and appropriate action can be taken by the state regarding the safety of its citizens. The state has been placed in a dilemma because if it sets its own safety standards without proper federal guidelines, the state may be liable to law suits as has occurred in Florida.

Your Committees received testimony from the Deputy Director of the Department of Health and the Dean of the College of Tropical Agriculture and Human Resources of the University of Hawaii at Manoa. Both were in favor of the concurrent resolution.

Testimony was received requesting that the concurrent resolution be amended by replacing the first "Be it resolved" clause with the following:

BE IT RESOLVED by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, that the Governor and Hawaii's congressional delegation commend the Environmental Protection Agency for its efforts to establish maximum permissible levels of toxicants and urge that these efforts be significantly increased; and

BE IT FURTHER RESOLVED that the Hawaii congressional delegation propose appropriations of adequate resources to accomplish the goal of maximum permissible toxicant levels'

Your Committees concur with these amendments and recommend that they be incorporated.

Your Committees on Energy, Ecology and Environmental Protection and Health are in accord with the intent and purpose of H.C.R. No. 94, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 94, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 805-84 Ocean and Marine Resources and Transportation on H.R.
No. 208

The purpose of this resolution is to request the Director of Transportation to grant unused wharfage space at no cost to the purse seining fleet for short-term storage, repair and maintenance of their fishing nets to attract the seiners to Hawaii.

Your Committees find that the expansion of Hawaii's commercial fishing industry merits seiners' consideration as an activity that could further strengthen and diversify Hawaii's economic base.

Testimony from the Department of Transportation indicated that since purse seiners generally occupy piers and back-up areas used for cargo handling, complete waiver of rates for net repair and storage would not be prudent. Further, the Department is currently reviewing its policy on Harbor Division Tariff.

Testimony from the Chairperson of the Board of Land and Natural Resources expressed concurrence with the intent and purpose of this resolution. However, it was suggested that if the purse seiners are provided with a change in tariff assessment, the local fishermen should also be included.

Mr. B. Smith, representing the Chamber of Commerce of Hawaii, and Mr. R. Stevens of Waldron Company strongly endorse the intent and purpose of this resolution.

Your Committees have, based on testimony, amended this resolution by deleting the words "purse seining fleet" and inserting "commercial fishing vessel" in the Be It Resolved clause.

Your Committees on Ocean and Marine Resources and Transportation concur with the intent and purpose of H.R. No. 208, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 208, H.D. 1.

Signed by all members of the Committees.

SCRep. 806-84 Ocean and Marine Resources and Transportation on H.C.R.
No. 87

The purpose of this concurrent resolution is to request the Director of Transportation to grant unused wharfage space at no cost to the purse seining fleet for short-term storage, repair and maintenance of their fishing nets to attract the seiners to Hawaii.

Your Committees find that the expansion of Hawaii's commercial fishing industry merits seiners' consideration as an activity that could further strengthen and diversify Hawaii's economic base.

Testimony from the Department of Transportation indicated that since purse seiners generally occupy piers and back-up areas used for cargo handling,

complete waiver of rates for net repair and storage would not be prudent. Further, the Department is currently reviewing its policy on Harbor Division Tariff.

Testimony from the Chairperson of the Board of Land and Natural Resources expressed concurrence with the intent and purpose of this concurrent resolution. However, it was suggested that if the purse seiners are provided with a change in tariff assessment, the local fishermen should also be included.

Mr. B. Smith, representing the Chamber of Commerce of Hawaii, and Mr. R. Stevens of Waldron Company strongly endorse the intent and purpose of this concurrent resolution.

Your Committees have, based on testimony, amended this resolution by deleting the words "purse seining fleet" and inserting "commercial fishing vessel" in the Be It Resolved clause.

Your Committees on Ocean and Marine Resources and Transportation concur with the intent and purpose of H.C.R. No. 87, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 87, H.D. 1.

Signed by all members of the Committees.

SCRep. 807-84 Public Employment and Government Operations on H.C.R.
No. 115

The purpose of this House Concurrent Resolution is to approve the final compensation plan for civil service employees prepared by the Conference of Personnel Directors, adjusted by the Public Employees Compensation Appeals Board, and submitted to the Legislature through the Office of the Governor.

Sections 77-4 and 77-5, HRS, relating to the Compensation Law for Public Officers and Employees require the Personnel Directors of the State, and Hawaii, Maui and Kauai counties, the Administrative Director of Courts, and the Director of Civil Service of the City and County of Honolulu to meet in joint conference each odd-numbered year to review the pay plan for civil service employees, and to recommend a tentative compensation plan to the Public Employees Compensation Appeals Board (PECAB). PECAB then conducts hearings for pricing appeals from affected persons and parties and makes final adjustments to the tentative compensation plan. Thereafter, the joint conference is required to submit to the Legislature, through the Office of the Governor, a report setting forth a final compensation plan with implementing costs or adjustments thereto for the following fiscal year.

Your Committee finds that the most recent final compensation plan submitted effective July 1, 1984 provides adjustments which support the concept of equal pay for equal work, and further finds that a significant number of employees are affected in a positive manner by the adjustments provided in the plan.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.C.R. No. 115 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 808-84 Public Employment and Government Operations on H.C.R.
No. 104

This House Concurrent Resolution requests the Department of Accounting and General Services in consultation with other appropriate departments to conduct a review of, and provide a comprehensive report on, the current status of the State's telecommunications capabilities including user requirements, acquisition guidelines, control procedures, telecommunications group responsibilities, and planning for future telecommunications needs in the State.

Presently, while the telecommunications functions for state government is delegated to the Office of the Comptroller in the Department of Accounting and General Services (DAGS), the Telecommunications Branch is situated in the Central Services Division of DAGS.

Your Committee believes that one of the fundamental issues of the requested telecommunications review is the organizational structure which places the Telecommunications Branch in the Central Services Division of DAGS insofar the telecommunications functions require high level guidance from the comptroller and/or governor. Therefore, your Committee would like the reviewing departments to carefully study the organizational structure and make appropriate recommendations which may be subsequently incorporated in a telecommunications master plan.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.C.R. No. 104 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 809-84 Public Employment and Government Operations on H.R. No. 248

This resolution requests a review of the public employee collective bargaining law.

According to testimony received by your Committee, piecemeal amendments have been made to the collective bargaining law since its adoption in 1970. Other testimony strongly urged and recommended a thorough review of the statutory scheme for possible refinement, or if appropriate, revision.

Your Committee is in agreement to amend this resolution by establishing an advisory task force in lieu of the previously suggested interim legislative committee for the review, as it is believed that an advisory task force would be better able to undertake a thorough analysis of the collective bargaining law with concentrated effort made toward positive amendments. The advisory task force, which shall receive administrative support from the Legislative Reference Bureau, would be established by the Speaker of the House of Representatives, and be composed of: the Chief Negotiator of the Office of Collective Bargaining, one representative from each of the exclusive employee bargaining units and PEMAH, the HPERB chairman, and personnel representatives of the county Mayors, the Superintendent of Education and the President of the University of Hawaii. In addition, the Speaker will be appointing a qualified chairman from the community at-large.

Your Committee has also amended this resolution by extending the time frame for the completion of the study by requesting the submittal of the preliminary report prior to the convening of the 1985 Session, and a final report 20 days prior to the convening of the 1986 Session. However, while your Committee recognizes the complex nature of the review, and realizes that the advisory task force may require the use of the maximum amount of time allotted for completion, it encourages efforts made to meet the originally proposed timetable of 1985.

Your Committee on Public Employment and Government Operations concurs with the purpose and intent of H.R. No. 248, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 248, H.D. 1.

Signed by all members of the Committee.

SCRep. 810-84 Energy, Ecology and Environmental Protection on H.R. No.
273

The purpose of this resolution is to have the Office of Environmental Quality Control in consultation with the Department of Health and the Federal Environmental Protection Agency conduct a study on the availability of federal funds and programs which may be used to assist the state and county agencies in implementing pesticide related projects.

Your Committee received testimony from the Deputy Director of Health and the Director of the Office of Environmental Quality Control which supported the intent of the resolution. It was testified that large amounts of funds will be needed to cover the costs needed to resolve present and expected pesticide contamination problems in the state.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.R. No. 273 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 811-84 Energy, Ecology and Environmental Protection on H.C.R.
No. 103

The purpose of this resolution is to have the Office of Environmental Quality Control in consultation with the Department of Health and the Federal Environmental Protection Agency conduct a study on the availability of federal funds and programs which may be used to assist the state and county agencies in implementing pesticide related projects.

Your Committee received testimony from the Deputy Director of Health and the Director of the Office of Environmental Quality Control which supported the intent of the resolution. It was testified that large amounts of funds will be needed to cover the costs needed to resolve present and expected pesticide contamination problems in the state.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.C.R. No. 103 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 812-84 Energy, Ecology and Environmental Protection and Agriculture
on H.R. No. 277

The purpose of this resolution is to study how the state can develop a program which could collect funds from private industries who use pesticides. These funds could then be administered by the state to support and offset various expenses incurred by the state, due to pesticide contamination in Hawaii's food and water.

Your Committees reviewed testimony in favor of the resolution from the Chairman of the Environmental Council, the Chairman of the Office of Environmental Quality Control, and the Sierra Club. All testified that pesticide contamination in Hawaii will continue to be a major problem and that the economic impacts of pesticides should be shared by the private sector which utilizes pesticides.

Your Committees on Energy, Ecology and Environmental Protection and Agriculture concur with the intent and purpose of H.R. No. 277 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 813-84 Energy, Ecology and Environmental Protection and Agriculture
on H.C.R. No. 107

The purpose of this resolution is to study how the state can develop a program which could collect funds from private industries who use pesticides. These funds could then be administered by the state to support and offset various expenses incurred by the state, due to pesticide contamination in Hawaii's food and water.

Your Committees reviewed testimony in favor of the resolution from the Chairman of the Environmental Council, the Chairman of the Office of Environmental Quality Control, and the Sierra Club. All testified that pesticide contamination in Hawaii will continue to be a major problem and that the economic impacts of pesticides should be shared by the private sector which utilizes pesticides.

Your Committees on Energy, Ecology and Environmental Protection and Agriculture concur with the intent and purpose of H.C.R. No. 107 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 814-84 Education on H.C.R. No. 120

The purpose of this concurrent resolution is to have the Board of Education submit its plans for the education of the children of the Niihau Island community.

Your Committee believes that the people of the Island of Niihau live in a cultural milieu unique amongst those communities which comprise the State of Hawaii. This uniqueness is found in the native Hawaiian culture which is predominant in this community.

Your Committee believes that our country's forefathers intended that local community standards be maintained in the construct of our nation and, therefore, we find it desirable for the people of Niihau to continue and foster their native Hawaiian language and culture. However, at the same time, your Committee recognizes that it is imperative that those who wish to transgress into the dominant "Americanized" culture of this State be given full opportunity to do so.

While your Committee recognizes that legislation attempting to address this problem was introduced into this session of the Legislature, it is concerned that the Department of Education have available detailed plans for the implementation of such a program before statutory and budgetary changes are initiated and considered.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 120, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hee, Ige and Say.

SCRep. 815-84 Education on H.R. No. 127

The purpose of this resolution is to request the Department of Education to develop specific recommendations and plans of action to strengthen math and science education. Items to be considered include motivational programs, updating science equipment, teacher training and recruitment, utilization of outside resources, personnel policies and curriculum development.

Your Committee feels that a plan of action from the Department of Education is necessary and timely if the needs in these increasingly important areas are to be properly addressed. In order to strengthen science and math education, comprehensive planning coupled with innovative utilization of resources are essential.

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

Your Committee on Education concurs with the intent and purpose of H.R. No. 127, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 127, H.D. 1.

Signed by all members of the Committee except Representatives Hee and Say.

SCRep. 816-84 Education on H.R. No. 159

The purpose of this resolution is to request the Department of Education to establish criteria for identifying schools in our public education system with unique needs, including as indicators, course selection parity, and academic enrollment demands.

Although it is the policy of the Legislature and the Department of Education to emphasize equity within the Hawaii public school system, your Committee finds that there are specific schools within the Department of Education system that are faced with unique needs, molded by certain social, cultural, and economic factors which seriously impede and hinder the academic progression and achievement of the students that attend these institutions.

In addition, your Committee has been informed that the term "high risk" stigmatizes the schools in question in an unfair light. Your Committee concurs with this view and, accordingly, has amended the resolution by changing the title to

read as follows: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF CRITERIA FOR THE IDENTIFICATION OF SCHOOLS IN THE STATE WITH UNIQUE NEEDS." Furthermore, your Committee has amended paragraph seven on page one of this measure deleting the words "high risk" and including the words "unique needs" in its place.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 159, as amended herein, and recommends that it be referred to the Committee on Finance as H.R. No. 159, H.D. 1.

Signed by all members of the Committee except Representatives Hee and Say.

SCRep. 817-84 Education on H.C.R. No. 64

The purpose of this concurrent resolution is to request the Department of Education to establish criteria for identifying schools in our public education system with unique needs, including as indicators, course selection parity, and academic enrollment demands.

Although it is the policy of the Legislature and the Department of Education to emphasize equity within the Hawaii public school system, your Committee finds that there are specific schools within the Department of Education system that are faced with unique needs, molded by certain social, cultural, and economic factors which seriously impede and hinder the academic progression and achievement of the students that attend these institutions.

In addition, your Committee has been informed that the term "high risk" stigmatizes the schools in question in an unfair light. Your Committee concurs with this view and, accordingly, has amended the concurrent resolution by changing the title to read as follows: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF CRITERIA FOR THE IDENTIFICATION OF SCHOOLS IN THE STATE WITH UNIQUE NEEDS." Furthermore, your Committee has amended paragraph seven on page one of this measure deleting the words "high risk" and including the words "unique needs" in its place.

Your Committee on Education is in accord with the intent and purpose of H.C.R. No. 64, as amended herein, and recommends that it be referred to the Committee on Finance as H.C.R. No. 64, H.D. 1.

Signed by all members of the Committee except Representatives Hee and Say.

SCRep. 818-84 Education on H.R. No. 311

The purpose of this resolution is to have the Board of Education submit its plans for the education of the children of the Niihau Island Community.

Your Committee believes that the people of the Island of Niihau live in a cultural milieu unique amongst those communities which comprise the State of Hawaii. This uniqueness is found in the native Hawaiian culture which is predominant in this community.

Your Committee believes that our country's forefathers intended that local community standards be maintained in the construct of our nation and, therefore, we find it desirable for the people of Niihau to continue and foster their native Hawaiian language and culture. However, at the same time, your Committee recognizes that it is imperative that those who wish to transgress into the dominant "Americanized" culture of this State be given full opportunity to do so.

While your Committee recognizes that legislation attempting to address this problem was introduced into this session of the Legislature, it is concerned that the Department of Education have available detailed plans for the implementation of such a program before statutory and budgetary changes are initiated and considered.

Your Committee on Education concurs with the intent and purpose of H.R. No. 311, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hee and Say.

SCRep. 819-84 Public Employment and Government Operations on H.R. No. 274

This House Resolution requests the Department of Accounting and General Services in consultation with other appropriate departments to conduct a review of, and provide a comprehensive report on, the current status of the State's telecommunications capabilities including user requirements, acquisition guidelines, control procedures, telecommunications group responsibilities, and planning for future telecommunications needs in the State.

Presently, while the telecommunications functions for state government is delegated to the Office of the Comptroller in the Department of Accounting and General Services (DAGS), the Telecommunications Branch is situated in the Central Services Division of DAGS.

Your Committee believes that one of the fundamental issues of the requested telecommunications review is the organizational structure which places the Telecommunications Branch in the Central Services Division of DAGS insofar the telecommunications functions require high level guidance from the comptroller and/or governor. Therefore, your Committee would like the reviewing departments to carefully study the organizational structure, and make appropriate recommendations which may be subsequently incorporated in a telecommunications master plan.

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

Signed by all members of the Committee except Representative Anderson.

SCRep. 820-84 Energy, Ecology and Environmental Protection on H.R. No. 306

The purpose of this resolution is to request the Department of Planning and Economic Development to study what actions are necessary to plan and complete a coordinated development of geothermal energy production on the Island of Hawaii and a deep water electric cable to transport the energy to the other Islands.

Your Committee received testimony from the Director of the Department of Planning and Economic Development (DLNR), the Alternate Energy Director of the Hawaiian Electric Company, the Vice President of the Mid Pacific Geothermal Corporation, and the Chamber of Commerce, all of which were in favor of this resolution.

Your Committee also received testimony from the Sierra Club which requested that Environmental and social impacts be addressed in the report. The Director of DPED noted that environmental and social impacts will be covered in a publication forthcoming and that the focus of this resolution was the economic and legal restrictions that need to be addressed early due to the immensity of the project. Your Committee also raised concern over the possibility of the cable parting or damage during a storm as has happened often with existing cable. This problem shall be addressed as noted by the Director of DPED.

Your Committee on Energy, Ecology, and Environmental protection concurs with the intent and purpose of H.R. No. 306 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 821-84 Energy, Ecology and Environmental Protection on H.C.R.
No. 117

The purpose of this resolution is to request the Department of Planning and Economic Development to study what actions are necessary to plan and complete a coordinated development of geothermal energy production on the Island of Hawaii and a deep water electric cable to transport the energy to the other Islands.

Your Committee received testimony from the Director of the Department of Planning and Economic Development (DLNR), the Alternate Energy Director of the Hawaiian Electric Company, the Vice President of the Mid Pacific Geothermal Corporation, and the Chamber of Commerce, all of which were in favor of this resolution.

Your Committee also received testimony from the Sierra Club which requested that Environmental and social impacts be addressed in the report. The Director of DPED noted that environmental and social impacts will be covered in a publication forthcoming and that the focus of this resolution was the economic and legal restrictions that need to be addressed early due to the immensity of the project. Your Committee also raised concern over the possibility of the cable parting or damage during a storm as has happened often with existing cable. This problem shall be addressed as noted by the Director of DPED.

Your Committee on Energy, Ecology, and Environmental Protection concurs with the intent and purpose of H.C.R. No. 117, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 822-84 Energy, Ecology and Environmental Protection and Higher
Education and the Arts on H.R. No. 207

The purpose of this resolution is to request that the University of Hawaii determine if cogeneration technology is appropriate, as an economic means of energy conservation for all of the campus and specifically for the Athletic Department.

Your Committees received testimony from the Director of the Department of Planning and Economic Development (DPED) in support of the resolution. Your Committees also received testimony from the Hawaiian Electric Company (HECO) which noted that cogeneration is based on burning oil of a higher grade than is burned at a power plant to produce electricity. This higher grade fuel is what is currently the most difficult form of energy to replace with alternate energy. HECO also testified that heat pumps and solar devices are capable of comparable if not more efficient energy conservation at an economically viable price. Finally the Director of DPED noted all forms of energy conservation and alternate energy production have merits that should be considered. It was also testified by the University of Hawaii that the Athletic Department currently uses solar water heating to reduce its energy consumption.

Your Committees have amended this resolution by amending the language to include solar water heating and heat pumps and taking out the specific reference to the Athletic Department. The title of the resolution has been changed by the following rewording:

REQUESTING THE UNIVERSITY OF HAWAII TO EXAMINE AND STUDY ALTERNATE ENERGY PRODUCTION AND CONSERVATION BY UTILIZING SUCH TECHNOLOGIES AS COGENERATION, HEAT PUMPS, AND SOLAR HOT WATER HEATING. (Cogeneration technology, and urging the Athletic Department of the University to install a cogeneration module or unit.)

Your Committees have also amended the resolution by deleting the second, third, and fourth WHEREAS phrases on the second page and inserting the following phrase:

WHEREAS, the University of Hawaii Athletic Facility has realized significant energy savings by installing both heat pumps and solar water heaters; and

Your Committees have amended the first be it RESOLVED clause to include solar water heating and heat pumps as technologies that should be examined and studied by the University. The second WHEREAS clause has been replaced with the following clause to broaden the language to include other alternate energy technologies besides cogeneration and have the results of a study be reported to the legislature:

BE IT FURTHER RESOLVED that the University of Hawaii report to the 13th Legislature as to the economic feasibility of installing cogeneration, solar hot water heater, and heat pump technologies to reduce energy consumption thirty days prior to the convening of the 1985 legislative session.

Your Committees on Energy, Ecology and Environmental Protection and Higher Education and the Arts concur with the intent and purpose of H.R. No. 207, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 207, H.D. 1.

Signed by all members of the Committees.

SCRep. 823-84 Energy, Ecology and Environmental Protection and Higher Education and the Arts on H.C.R. No. 85

The purpose of this resolution is to request that the University of Hawaii determine if cogeneration technology is appropriate, as an economic means of energy conservation for all of the campus and specifically for the Athletic Department.

Your Committees received testimony from the Director of the Department of Planning and Economic Development (DPED) in support of the resolution. Your Committees also received testimony from the Hawaiian Electric Company (HECO) which noted that cogeneration is based on burning oil of a higher grade than is burned at a power plant to produce electricity. This higher grade fuel is what is currently the most difficult form of energy to replace with alternate energy. HECO also testified that heat pumps and solar devices are capable of comparable if not more efficient energy conservation at an economically viable price. Finally the Director of DPED noted all forms of energy conservation and alternate energy production have merits that should be considered. It was also testified by the University of Hawaii that the Athletic Department currently uses solar water heating to reduce its energy consumption.

Your Committees have amended this resolution by amending the language to include solar water heating and heat pumps and taking out the specific reference to the Athletic Department. The title of the resolution has been changed by the following rewording:

REQUESTING THE UNIVERSITY OF HAWAII TO EXAMINE AND STUDY ALTERNATE ENERGY PRODUCTION AND CONSERVATION BY UTILIZING SUCH TECHNOLOGIES AS COGENERATION, HEAT PUMPS, AND SOLAR HOT WATER HEATING. (Cogeneration technology, and urging the Athletic Department of the University to install a cogeneration module or unit.)

Your Committees have also amended the resolution by deleting the second, third, and fourth WHEREAS phrases on the second page and inserting the following phrase:

WHEREAS, the University of Hawaii Athletic Facility has realized significant energy savings by installing both heat pumps and solar water heaters; and

Your Committees have amended the first be it RESOLVED clause to include solar water heating and heat pumps as technologies that should be examined and studied by the University. The second WHEREAS clause has been replaced with the following clause to broaden the language to include other alternate energy technologies besides cogeneration and have the results of a study be reported to the legislature:

BE IT FURTHER RESOLVED that the University of Hawaii report to the 13th Legislature as to the economic feasibility of installing cogeneration, solar hot water heater, and heat pump technologies to reduce energy consumption thirty days prior to the convening of the 1985 legislative session.

Your Committees on Energy, Ecology and Environmental Protection and Higher Education and the Arts concur with the intent and purpose of H.C.R. No. 85, as amended herein, and recommend 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 Committees.

SCRep. 824-84 Consumer Protection and Commerce on H.R. No. 257

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study of the pricing structure of all petroleum products refined in Hawaii to ascertain the following; (1) if there are improprieties with respect to pricing between different categories of accounts; (2) if there are improprieties within the same category of accounts; (3) if such pricing structures are in the best interest of the consumer in the State of Hawaii; (4) if the two and three tier

system of distribution is at the point of deterioration; and (5) if vertical integration has an adverse affect on the consumer.

The Hawaii Automotive & Retail Gasoline Dealers Association testified in support of this resolution. The Association believes, it is in the consumers' best interest to keep retail sale of gasoline out of the hands of oil companies. Further, the Legislature cannot make an informed decision without a comprehensive study and analysis of current oil practices in Hawaii. Conversely, the failure to study and address this issue, will allow the oil companies to dictate the future of retail gasoline sales and automobile service in Hawaii.

The Director of Marketing for Hawaiian Independent Refinery, Inc., testifying in opposition to this resolution stated that House Resolution 257 is just another legislative approach to determine "the pros and cons" relating to the ownership of retail stations by integrated oil companies and refiners (sometimes called "divorcement" legislation). The merits and demerits of such legislation are currently under review by Congress and legislation is pending in the U.S. House of Representatives and in the U.S. Senate. Any action on the part of the State would be premature, duplicate federal studies, and may possibly result in policies which are inconsistent with the federal effort.

Your Committee felt that waiting for pending legislation from Congress would not be in the consumers' best interest, in light of the possibility that such studies could take awhile to comeabout.

Your Committee, upon further consideration, has amended this resolution to request the Attorney General to study whether gasoline dealers have transferability rights as provided for in the Hawaii Franchise Laws.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 257, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 257, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 825-84 Consumer Protection and Commerce on H.R. No. 217

The purpose of this resolution is to request that the Hawaii State Department of Commerce and Consumer Affairs conduct investigations, research, studies and analysis of matters pertaining to motor vehicle sales "as is", "with all faults", or without written description of all defects known to the seller at the time of sale in Hawaii; to study the operation of laws affecting the consumer and to recommend to the Legislature of the State of Hawaii new laws and amendments of laws in the consumers' interest in motor vehicle sales; and to undertake activities to encourage the motor vehicle sales industry to maintain high standards of honesty, fair business practices, and public responsibility in the sale of their consumer goods.

Your Committee heard testimony from the Acting Director of the Office of Consumer Protection in support of this resolution. The Acting Director testified that if requested to do a study, the Department would try to identify the problems associated with "as is" sales by motor vehicle dealers and if appropriate, suggests legislative remedies to these problems.

Your Committee heard additional testimony from consumers in support of this resolution. They testified that they bought their motor vehicle "as is", and that their vehicle failed to provide minimal service and reliability.

Your Committee, upon further consideration, has amended this resolution to narrow the scope of the requested study to motor vehicle dealers only.

Your Committee has further amended this resolution to specifically ask the Department to study the feasibility of implementing a "plain english" standard for motor vehicle dealer sales contracts.

Your Committee has further amended this resolution by making a drafting change which has no substantive effect.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 217, as amended herein, and recommends that it be

referred to the Committee on Finance, in the form attached hereto as H.R. No. 217, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 826-84 Finance on H.R. No. 79

The purpose of this Resolution is to request that the Executive Office on Aging conduct a study to estimate and report on the prevalence of urinary and bowel incontinence among individuals aged 60 and over in Hawaii, and to specify the number of persons who may need treatment for incontinence.

The report shall also include a description of services available in Hawaii for the treatment of urinary and bowel incontinence, their location, their service capacities, and their success rates, if available.

It is the understanding of your Committee that the Executive Office on Aging's report shall be submitted to the Legislature at least twenty days prior to the convening of the 1985 Regular Session.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 79, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 827-84 Finance on H.R. No. 143

The purpose of this Resolution is to request the Department of Land and Natural Resources to consider and develop alternative uses for the Olinda Honor Camp facility.

Your Committee agrees with the findings of the Committee on Corrections and Rehabilitation in House Standing Committee Report No. 736-84.

The Department of Land and Natural Resources is to report its findings and recommendations twenty days before the convening of the Regular Session of 1985.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 143, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 828-84 Finance on H.R. No. 232

The purpose of this Resolution is to request that the Department of Land and Natural Resources negotiate for the acquisition of the Kohala Ditch System, if deemed feasible.

It is the understanding of your Committee that the Department of Land and Natural Resources shall submit a report on its efforts to acquire the Kohala Ditch System to the 1985 Legislature.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 232, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 829-84 Finance on H.R. No. 17

The purpose of this Resolution is to urge the United States Congress to investigate the implementation of new requirements for withholding and reporting tip income and to clarify these requirements to ameliorate employer and employee confusion. The Congress is also requested to resolve the inequities between waiters and waitresses and other service workers receiving tip income, and to simplify burdensome recordkeeping and reporting requirements.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 17 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 830-84 Finance on H.R. No. 56

The purpose of this Resolution is to request the department of health to: (1) estimate the prevalence of Alzheimer's Disease among Hawaii's elderly, (2) determine the number of those afflicted who may need appropriate programs, and (3) provide a description of programs other states have provided to assist victims and their families.

Your Committee agrees with the findings expressed and amendments explained by the Committee on Human Services in House Standing Committee Report No. 610-84.

It is your Committee's understanding that the department of health shall submit its findings to the Legislature at least twenty days prior to the convening of the 1985 Regular Session.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 56, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 831-84 Finance on H.R. No. 35

The purpose of this Resolution is to request that the Department of Social Services and Housing (DSSH) conduct a study on the feasibility of developing and implementing a systematic process of prison population management.

Your Committee agrees with the findings of the Committee on Correction and Rehabilitation as expressed in House Standing Committee Report No. 68-84.

It is the understanding of your Committee that the Department of Social Services and Housing shall submit a report of its findings and recommendations, including copies of any proposed legislation, to the Legislature at least twenty days prior to the convening of the 1985 Regular Session.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 35, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 832-84 Finance on H.R. No. 118

The purpose of this Resolution is to request the Commission on the Handicapped to prepare a detailed estimate of the annual cost of providing all essential interpreter services for hearing impaired persons who participate in any meeting involving state or county agencies.

Your Committee on Finance agrees with your Committee on Human Services that an estimate of the annual cost to the State for providing all essential interpreter services describing assumptions, methodology, and cost breakdowns is imperative to determine the financial needs on an ongoing basis and to insure the long range effectiveness and success of this service.

It is the understanding of your Committee that the Commission shall submit its report to the Legislature at least 20 days prior to the convening of the 1985 Regular Session.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 118 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 833-84 Finance on H.R. No. 154

The purpose of this Resolution is to request the Department of Education, the University of Hawaii, and the Department of Planning and Economic Development to: (1) report on the status and progress of the marine and aquatic education programs, (2) identify the goals and the direction of development and program needs as projected through 1990, (3) report on their efforts to coordinate existing marine and aquatic education programs, and (4) develop ideas and recommendations concerning the establishment of a comprehensive statewide marine and aquatic education program.

Your Committee shares the concern of the Committees on Ocean and Marine Resources, Higher Education and the Arts, and Education that the quantity and quality of marine education services available through the University of Hawaii and the department of education should be designed to prepare students for: (1) marine careers and (2) to emerge as citizens familiar with their ocean environment.

It is the understanding of your Committee that the department of education, the University of Hawaii, and the department of planning and economic development prepare a report for the Thirteenth Legislature regarding this Resolution.

Your Committee on Finance concurs with the intent and the purpose of H.R. No. 154 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 834-84 Finance on H.C.R. No. 40

The purpose of this Concurrent Resolution is to request that the Legislative Auditor conduct a management and financial audit of the Research Corporation of the University of Hawaii (RCUH). The Legislative Auditor is further requested to complete and submit its findings and recommendations prior to the convening of the Regular Session of 1985.

Your Committee agrees with the findings of your Committee on Higher Education and the Arts in Stand. Com. Rep. No. 750-84.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 40 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 835-84 Tourism on H.C.R. No. 130

The purpose of this concurrent resolution is to request the Department of Planning and Economic Development to contract with a private organization to conduct a study on the need for and the feasibility of a convention center in the State with the necessary exhibition and meeting areas that are capable of accommodating conferences that cannot be handled through existing conference facilities, together with an analysis of alternative sites, as well as an analysis of methods of financing and management arrangements. This study is to be paid for by the State and the private sector on a matching funds basis.

Your Committee finds that the convention market is a growing and profitable business segment which accounts for business spending nationwide of \$15 billion a year. This market is desirable for industry stability since conventions are typically scheduled well in advance and during the nonpeak seasons. Despite the increase of conventions held in Hawaii during the past ten years, Hawaii is prevented from becoming a leading convention city due in part to its lack of adequate facilities. Currently only two major hotels have ballrooms designed to handle conventions and the only other convention facility, the Neal Blaisdell Center, is in an inconvenient location and is unsuitable for larger conventions. These factors have culminated in what appears to be a need for another modern convention center to attract a wider range of conventioners.

Your Committee on Tourism concurs with the intent and purpose of H.C.R. No. 130 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 836-84 Finance on H.C.R. No. 57

The purpose of this Concurrent Resolution is to request the Legislative Reference Bureau to conduct a study to identify problems in counseling services, possible solutions, recommendations, and a timetable for the implementation of the recommended solutions. The study shall include, but not be limited to, the following:

(1) The activities of counselors in the public secondary schools, including the percentage of time allotted to each activity, in relation to the duties prescribed in counselor job description and the State Plan for Comprehensive Guidance Program (1974);

(2) The qualifications and minimum job requirement of the counselors in the public secondary schools who provide students with career and college counseling;

(3) The in-service training that is available for counselors, and plans for providing in-service training based on identified needs;

(4) The adequacy of counseling materials on career requirements, colleges, and financial assistance; and

(5) The coordination and articulation with other related programs, such as Outreach Counseling Programs under compensatory education, and programs currently administered by the Department of Labor and Industrial Relations, including Quick Kokua, Career Kokua, and the Career Resource Centers.

Your Committee on Finance agrees with the findings of your Committee on Education in Stand. Com. Rep. No. 746-84.

It is the understanding of your Committee that the Legislative Reference Bureau shall submit an interim report to the Legislature no later than ten days prior to the convening of the Regular Session of 1985, and submit a final report of its findings and recommendations no later than twenty days prior to the convening of the Regular Session of 1986.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 57, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 837-84 Finance on H.C.R. No. 50

The purpose of this Concurrent Resolution is to request that the Legislative Auditor conduct a study to determine if the public authority device would provide a feasible alternative to improve the process by which the Department of Hawaiian Home Lands serves its native Hawaiian beneficiaries.

Your Committee on Finance agrees with the findings of your Committee on Water, Land Use, Development and Hawaiian Affairs in Stand. Com. Rep. No. 533-84.

It is the understanding of your Committee that the findings and recommendations resulting from this study shall be submitted to the Legislature at least twenty days before the convening of the Regular Session of 1985.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 50, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 838-84 Finance on H.C.R. No. 8

The purpose of this Concurrent Resolution is to request that the Legislative Auditor conduct a management audit of the Department of Education, including, but not be limited: (1) an examination and evaluation of all administrative positions within the district and state offices, comparing each division's position count and needs; (2) an evaluation of progress made in implementing recommendations contained in the 1973 management audit of the Department of Education; and

(3) the redeployment of personnel to improve the delivery of services at the classroom level.

Your Committee on Finance agrees with the findings of your Committee on Education in Stand. Com. Rep. No. 745-84.

It is the understanding of your Committee that the Legislative Auditor shall submit an interim report to the Legislature prior to the Regular Session of 1985, and a final report of its findings and recommendations shall be submitted to the Legislature no later than twenty days prior to the convening of the Regular Session of 1986.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 8, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 839-84 Finance on H.C.R. No. 7

The purpose of this Concurrent Resolution is to request that the Office of the Legislative Auditor conduct a program and management audit of the correctional system, which includes the Corrections Division, the Intake Service Centers, the Hawaii Paroling Authority, and the Probation Divisions of the Judiciary.

It is the understanding of your Committee that the Office of the Legislative Auditor shall submit a report of its findings and recommendations to the Legislature twenty days prior to the convening of the Regular Session of 1985.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 7, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 840-84 Education on H.R. No. 40

The purpose of this Resolution is to request the University of Hawaii College of Education, in consultation with the Department of Education, to conduct a study on the feasibility of establishing and implementing a teacher recertification procedure, including all viable procedures and the consequences of their implementation.

Your Committee finds that teachers in the State of Hawaii, after receiving certification and tenure, are not required by the Department of Education to attend additional workshops or academic classes to improve their professional competency. The Department of Education testified that they currently have two programs which do encourage teachers to upgrade their professional competency, but these programs are not required of teachers.

Your Committee has amended this Resolution to specify that the University of Hawaii College of Education, submit its report to the Legislature no later than twenty days prior to the convening of the Regular Session of 1985.

Your Committee on Education concurs with the intent and purpose of H.R. No. 40, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 40, H.D. 1.

Signed by all members of the Committee except Representatives Hee and Say.

SCRep. 841-84 Energy, Ecology and Environmental Protection and Health on H.R. No. 276

The purpose of this resolution is to request the department of health to report on whether there presently exists a comprehensive and coordinated program to regulate the treatment, storage, transport, or disposal of hazardous wastes in Hawaii. It also requests the department to report on problems encountered in implementing a state hazardous waste program.

Environmental pollution has received much public and governmental attention because of the discoveries of contamination of milk, drinking water, and processed

grain products by pesticide residue. The public and government both are now aware of the traumas of contamination and large social and financial expenses and difficulty of cleanup of pollution.

This resolution addresses an area of the environmental pollution issue which in Hawaii has not received the attention warranted. Hazardous waste management is an important public responsibility. Proper management and disposal of hazardous waste are necessary to avoid the type of pollution which seriously threatens public health and is irreversible or reversible only at exorbitant costs.

Congress enacted the Resource Conservation and Recovery Act of 1976 which, among other provisions, mandated the federal Environmental Protection Agency (EPA) to embark on an aggressive program to ensure the proper disposal of hazardous waste. In November of 1980, the EPA began implementation of a federal hazardous waste management program, which preempted state programs not equivalent to or not more stringent than the federal program. Basically, the federal program establishes a manifest system under which hazardous waste is tracked from source to disposal. Hazardous waste is required to be treated, stored, and disposed only at EPA approved facilities.

In Hawaii, the hazardous waste management program is under EPA jurisdiction. Hawaii, at this time, has no state program which meets the federal requirements and thus, cannot be delegated the responsibility for state hazardous waste management under federal law.

The department of health has testified that in 1983 it terminated the development of a program seeking delegation from the EPA. Reasons cited for the termination include the lack of adequate state commitment of necessary resources, complexity of the federal program, and inability of the State to realistically control the military, which is really the focus of hazardous waste management in Hawaii.

The department has submitted a report entitled, "Hazardous Waste Management in Hawaii", in response to this unadopted resolution. The report states:

The Department of Health recommends that the state seek full authorization to administer the program only if the State is willing to commit funds to operate the program totally, if necessary.

Enforcement of the provisions of the federal program have not been to the degree desirable, and your Committees favor state assumption of the program. Your Committees, however, are aware of the department's caveat and that state responsibility for the program will be expensive and will require the commitment of scarce public funds which may have to be diverted from other programs. Although the department indicates that an annual appropriation of approximately \$150,000 is necessary to administer a state hazardous waste management program, your Committees feel that the cost implication should be explored further. Since the original request of this resolution has been fulfilled already, your Committees have made amendments to reflect the new concern.

The major amendments are as follows:

- (1) The original request has been deleted. New provisions have been inserted requesting the department to submit descriptions and detailed resource needs of alternative hazardous waste management programs that the State may adopt and to make a recommendation of the program which may be implemented if the necessary resources are appropriated.

- (2) The title of the resolution has been amended to reflect the change.

- (3) A new provision has been added requesting the department to report on the problems of regulating the hazardous waste materials and waste management activities of the military. The military generates a significant amount of hazardous waste and the department has expressed concern at the inability to manage the military's activities. Your Committees desire a better understanding of the concern of the department.

- (4) A new provision has been added requesting the department to submit a detailed estimate of the resources needed to implement an emergency spill cleanup program. The department states that the cost of emergency cleanup has not been included in the specified appropriation for the hazardous waste management

program. Your Committees feel that a cleanup program is an integral part of hazardous waste management and an estimate of the cost of cleanup is required.

(5) A new provision has been added which requests the department to report on the methods other states have used to fund their hazardous waste management programs and the existence of hazardous waste cleanup superfunds. Your Committees feel that review of the operations of other states may be enlightening.

(6) A new provision has been added which requests the department to reopen discussions and negotiations with the EPA regarding delegation to the State of full responsibility for the hazardous waste management program. Your Committees intend that the department proceed with the discussions and negotiations under the assumption that the State will take full responsibility and make the necessary commitment of resources for a state hazardous waste management program.

(7) New "whereas clauses" have been added to correspond to the change in purpose. The third and last six clauses are new.

In addition, nonsubstantive amendments have been made.

Your Committees on Energy, Ecology and Environmental Protection and Health concur with the intent and purpose of H.R. No. 276, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 276, H.D. 1.

Signed by all members of the Committees.

SCRep. 842-84 Energy, Ecology and Environmental Protection and Health on
H.C.R. No. 106

The purpose of this concurrent resolution is to request the department of health to report on whether there presently exists a comprehensive and coordinated program to regulate the treatment, storage, transport, or disposal of hazardous wastes in Hawaii. It also requests the department to report on problems encountered in implementing a state hazardous waste program.

Environmental pollution has received much public and governmental attention because of the discoveries of contamination of milk, drinking water, and processed grain products by pesticide residue. The public and government both are now aware of the traumas of contamination and large social and financial expenses and difficulty of cleanup of pollution.

This concurrent resolution addresses an area of the environmental pollution issue which in Hawaii has not received the attention warranted. Hazardous waste management is an important public responsibility. Proper management and disposal of hazardous waste are necessary to avoid the type of pollution which seriously threatens public health and is irreversible or reversible only at exorbitant costs.

Congress enacted the Resource Conservation and Recovery Act of 1976 which, among other provisions, mandated the federal Environmental Protection Agency (EPA) to embark on an aggressive program to ensure the proper disposal of hazardous waste. In November of 1980, the EPA began implementation of a federal hazardous waste management program, which preempted state programs not equivalent to or not more stringent than the federal program. Basically, the federal program establishes a manifest system under which hazardous waste is tracked from source to disposal. Hazardous waste is required to be treated, stored, and disposed only at EPA approved facilities.

In Hawaii, the hazardous waste management program is under EPA jurisdiction. Hawaii, at this time, has no state program which meets the federal requirements and thus, cannot be delegated the responsibility for state hazardous waste management under federal law.

The department of health has testified that in 1983 it terminated the development of a program seeking delegation from the EPA. Reasons cited for the termination include the lack of adequate state commitment of necessary resources, complexity of the federal program, and inability of the State to realistically control the military, which is really the focus of hazardous waste management in Hawaii.

The department has submitted a report entitled, "Hazardous Waste Management in Hawaii", in response to this unadopted concurrent resolution. The report states:

The Department of Health recommends that the state seek full authorization to administer the program only if the State is willing to commit funds to operate the program totally, if necessary.

Enforcement of the provisions of the federal program have not been to the degree desirable, and your Committees favor state assumption of the program. Your Committees, however, are aware of the department's caveat and that state responsibility for the program will be expensive and will require the commitment of scarce public funds which may have to be diverted from other programs. Although the department indicates that an annual appropriation of approximately \$150,000 is necessary to administer a state hazardous waste management program, your Committees feel that the cost implication should be explored further. Since the original request of this concurrent resolution has been fulfilled already, your Committees have made amendments to reflect the new concern.

The major amendments are as follows:

(1) The original request has been deleted. New provisions have been inserted requesting the department to submit descriptions and detailed resource needs of alternative hazardous waste management programs that the State may adopt and to make a recommendation of the program which may be implemented if the necessary resources are appropriated.

(2) The title of the concurrent resolution has been amended to reflect the change.

(3) A new provision has been added requesting the department to report on the problems of regulating the hazardous waste materials and waste management activities of the military. The military generates a significant amount of hazardous waste and the department has expressed concern at the inability to manage the military's activities. Your Committees desire a better understanding of the concern of the department.

(4) A new provision has been added requesting the department to submit a detailed estimate of the resources needed to implement an emergency spill cleanup program. The department states that the cost of emergency cleanup has not been included in the specified appropriation for the hazardous waste management program. Your Committees feel that a cleanup program is an integral part of hazardous waste management and an estimate of the cost of cleanup is required.

(5) A new provision has been added which requests the department to report on the methods other states have used to fund their hazardous waste management programs and the existence of hazardous waste cleanup superfunds. Your Committees feel that review of the operations of other states may be enlightening.

(6) A new provision has been added which requests the department to reopen discussions and negotiations with the EPA regarding delegation to the State of full responsibility for the hazardous waste management program. Your Committees intend that the department proceed with the discussions and negotiations under the assumption that the State will take full responsibility and make the necessary commitment of resources for a state hazardous waste management program.

(6) New "whereas clauses" have been added to correspond to the change in purpose. The third and last six clauses are new.

In addition, nonsubstantive amendments have been made.

Your Committees on Energy, Ecology and Environmental Protection and Health concur with the intent and purpose of H.C.R. No. 106, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 106, H.D. 1.

Signed by all members of the Committees.

The purpose of this resolution is to upgrade ambulance service to residents of the Kau, Honokaa and Kohala communities through the Hawaii County Fire Department.

Your Committee finds that the size of the island of Hawaii makes it difficult to provide emergency medical services to rural residents. Because of the relative distances between emergency units, the basic life support units (BLS) of Honokaa, Kau and Kohala Hospitals are not adequate for critical emergencies. Your Committee further finds that an advanced life support unit (ALS) would provide the necessary specialized treatment for critical, life-threatening emergencies.

Your Committee has amended this resolution to include the Hawaii County Fire Department in implementing this measure. The first and third "Be It Resolved" clauses have been amended accordingly.

Your Committee on Health concurs with the intent and purpose of H.R. No. 329, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 329, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 844-84 Health on H.R. No. 243

The purpose of this resolution is to request a review of state and county policies relating to emergency medical services, and to request a review of the contractual arrangement between the State and the City and County of Honolulu, and between the State and private ambulance companies.

Your Committee finds a need to address various concerns which have been raised involving the complex emergency medical services system, a program administered, regulated and maintained by the State and implemented by contracts with the counties and private ambulance companies. Among the issues raised relates to the appropriate utilization of private ambulance companies, one of a myriad of issues requiring further study to plan and effect the most efficient, cost-effective system of emergency medical services possible. Your Committee also feels that in-depth study is needed on ways to control the explosive rise in the budget requirements of the program, which started with an initial appropriation of \$687,000 and presently requires \$14 million.

Given the nature and scope of this proposed study, your Committee has amended this resolution by requesting that the Legislative Reference Bureau, rather than the House Committee on Health, conduct the study. The Departments of Health of both the State and the City and County of Honolulu have testified to their willingness to assist in this proposed study and review.

Your Committee has further amended this resolution for purposes of clarification. The phrase "State and county policies" of the first "Be It Resolved" clause has been amended to read, "state and county administrative and fiscal policies".

Finally, your Committee has amended this resolution concerning the transmittal of findings and recommendations to the legislature mentioned in the third "Be It Resolved" clause. Since the proposed study and review cannot be completed prior to the adjournment of the 1984 Regular Session, the resolution has been amended to require transmittal of the study report prior to the convening of the 1985 Regular Session.

Your Committee on Health concurs with the intent and purpose of H.R. No. 243, as amended herein, and recommends that it be referred to the Committee on Finance in form attached hereto as H.R. No. 243, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 845-84 Health on H.R. No. 218

The purpose of this resolution is to request that the Department of Health and the Department of Planning and Economic Development conduct a baseline health survey of the Volcano community.

Your Committee finds that residents of the Volcano area in Puna are not included in a current Department of Health survey of the possible health effects of volcanic and geothermal energy plant emissions of which hydrogen sulfide is the principal pollutant. This study, funded through a federal grant obtained by the Department of Planning and Economic Development and allotted to the Department of Health, is in the final stages of completion.

Your Committee finds that any study of the effects of human exposure to low concentrations of hydrogen sulfide on the Big Island should study both volcanic and geothermal energy plant emissions. Your Committee feels that the regular exposure of the Volcano community to both natural occurring volcanic emissions and, in the future, to possible geothermal development emissions merits a health survey of this community.

At the public hearing on this resolution, the Department of Planning and Economic Development testified regarding the possibility of obtaining federal funding for this proposed study, as was successfully done with the current study. Your Committee also received testimony from and agrees with the Department of Health which recommended that the results of the current survey be evaluated before formulating and implementing the proposed survey.

Your Committee has amended this resolution concerning the reporting of survey results to the Legislature mentioned in the second "Be It Resolved" clause. Since it appears that the proposed survey cannot be completed prior to the convening of the 1985 Regular Session, the word "results" has been replaced with "progress", and "twenty" has been changed to "ten" days prior to the convening of the 1985 Regular Session.

Your Committee on Health concurs with the intent and purpose of H.R. No. 218, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 218, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 846-84 Health on H.R. No. 182

The purpose of this resolution is to request the Department of Health to study the feasibility of including helicopter service within the Hawaii County Emergency Medical Services System.

Your Committee finds that the emergency medical services system on the Big Island does not have the use of a helicopter for local emergencies. The situation is in contrast to that on Oahu, where the United States Army Military Assistance to Safety and Training Program transports certain emergency cases by helicopter. Your Committee agrees that given the Big Island's land mass and rough terrain, a helicopter could be of assistance.

Your Committee has amended this resolution by deleting the second "Be It Resolved" clause, which calls for consideration of the feasibility of constructing a helipad at Hilo Hospital. Your Committee has heard testimony from the Department of Health that it is currently in the process of resurfacing the present helipad, one which should provide adequate service to the hospital.

Your Committee on Health concurs with the intent and purpose of H.R. No. 182, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 182, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 847-84 Tourism on H.R. No. 197

The purpose of this resolution is to request that the Governor of the State of Hawaii recognize and proclaim the week beginning May 27, 1984, as Tourism Week in Hawaii, calling upon the people of the State of Hawaii to observe such week with appropriate ceremonies and activities.

Your Committee finds that the week beginning May 27, 1984, has been designated as National Tourism Week by the President of the United States of America. The

proclamation of Tourism Week in Hawaii will urge Hawaii's people to focus on this vital industry and its present and future benefits to the State of Hawaii.

Your Committee has received testimony in support of this measure from the Executive Director of the Hawaii Hotel Association and the Director of the Department of Planning and Economic Development.

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 197 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 848-84 Tourism on S.C.R. No. 43

The purpose of this concurrent resolution is to request the convening of a State Tourism Conference to comprehensively discuss current issues and to develop a unified policy direction for the visitor industry.

Your Committee finds that the last such congress was convened 15 years ago; since then there has grown considerable disagreements within and between public and private sectors as to the proper direction and focus which should be taken by the tourist industry.

A state-wide travel industry congress would be desirable to promote a joint unified effort on the part of all sectors of the tourist industry to make way for optimum efficiency and stability of Hawaii's tourist industry.

Your Committee on Tourism concurs with the intent and purpose of S.C.R. No. 43, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 849-84 Transportation and Education on H.R. No. 309

The purpose of this resolution is to urge reconsideration of the policy of a ten-year age limit on the operation of conventional school buses which is imposed by the Department of Accounting and General Services.

Your Committees find that while safety is the overriding concern in all matters relating to the transportation of school children, the uniform ten-year age limitation standard, adopted by the Department of Accounting and General Services in 1972, was instituted primarily to provide uniformity in securing school bus contracts, and in response to specific complaints over the quality of a few school buses.

Your Committees further find that the operational and passenger comfort quality of a school bus depends more on proper and periodic maintenance and repair than on the mere passage of a set period of time. With proper maintenance, the safe and useful life of a school bus can easily exceed the ten-year limitation currently imposed.

Your Committees also find that to remove an otherwise safe and operable school bus from operation only because it has exceeded the ten-year age limit places an onerous, and often unnecessary, burden upon school bus operators. It is the opinion of your Committees that the continued use of school buses should be determined primarily by the mechanical and operational condition of the vehicle and not by age alone.

Your Committees have amended the BE IT RESOLVED clause of this resolution to provide that the Department of Accounting and General Services submit to the Legislature a report of its findings and recommendations on the issue of the 10-year age limitation for conventional school buses prior to December 1, 1984.

Your Committees on Transportation and Education concur with the intent and purpose of H.R. No. 309, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 309, H.D. 1.

Signed by all members of the Committees.

SCRep. 850-84 Water, Land Use, Development and Hawaiian Affairs and State
General Planning on H.R. No. 223

The purpose of this resolution is to request the Department of Planning and Economic Development to report to the Legislature at least thirty days before the convening of the Regular Session of 1985 on its progress in implementing the Economic Planning Information System (EPIS).

A basic concern which your Committees share in regard to the implementation phase of the EPIS involves the estimation of the "value added" or productivity gains attributable to the continued funding of the program. As a result of this concern, your Committees have requested the Department of Planning and Economic Development to develop objective standards and criteria by which the Legislature may effectively evaluate the progress of EPIS. A subsidiary concern raised at the hearing dealt with the relevance of the data being inputted into the EPIS. It is not clear to your Committees' members just what constitutes economic planning information and what does not.

Your Committees have made technical and non-substantive amendments to the resolution.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and on State General Planning concur with the intent and purpose of H.R. No. 223, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 223, H.D. 1.

Signed by all members of the Committees except Representative Baker.

SCRep. 851-84 Water, Land Use, Development and Hawaiian Affairs and State
General Planning on H.R. No. 226

The purpose of this resolution is to request the Department of Planning and Economic Development to formulate an action plan implementing the recommendations of various ad hoc committees and of its own consultants in the area of State land use management. The Department is further requested to submit this action plan to the Legislature at least thirty days before the convening of the Regular Session of 1985.

Your Committees are concerned with the excessive jurisdictional overlaps occurring between the State and county land use approval processes. In testimony before your Committees, the Director of the Department of Planning and Economic Development referred to the existing land use regulatory system as "timeconsuming and cumbersome". He also noted that, in regard to decisions on land use district boundary amendments, "the Land Use Commission and the counties agreed more than eighty per cent of the time".

While your Committees firmly agree that the State should maintain its role on land use issues of statewide and regional concerns, it is readily apparent that there are practical limits to this role. The boundaries of both State and county jurisdictions, in respect to land use regulation, must be realigned to minimize the apparent regulatory duplication.

Your Committees have made technical and non-substantive amendments to the resolution.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and on State General Planning concur with the intent and purpose of H.R. No. 226, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 226, H.D. 1.

Signed by all members of the Committees except Representative Baker.

SCRep. 852-84 Water, Land Use, Development and Hawaiian Affairs and State
General Planning on H.C.R. No. 90

The purpose of this concurrent resolution is to request the Department of Planning and Economic Development to formulate an action plan implementing the recommendations of various ad hoc committees and of its own consultants in the area of State land use management. The Department is further requested to submit this

action plan to the Legislature at least thirty days before the convening of the Regular Session of 1985.

Your Committees are concerned with the excessive jurisdictional overlaps occurring between the State and county land use approval processes. In testimony before your Committees, the Director of the Department of Planning and Economic Development referred to the existing land use regulatory system as "timeconsuming and cumbersome". He also noted that, in regard to decisions on land use district boundary amendments, "the Land Use Commission and the counties agreed more than eighty per cent of the time".

While your Committees firmly agree that the State should maintain its role on land use issues of statewide and regional concerns, it is readily apparent that there are practical limits to this role. The boundaries of both State and county jurisdictions, in respect to land use regulation, must be realigned to minimize the apparent regulatory duplication.

Your Committees have made technical and non-substantive amendments to the concurrent resolution.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and on State General Planning concur with the intent and purpose of H.C.R. No. 90, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 90, H.D. 1.

Signed by all members of the Committees except Representative Baker.

SCRep. 853-84 Health on H.R. No. 336

The purpose of this resolution, as received, is to request the Department of Health to establish air pollutant emissions and noise standards for Hawaii's geothermal development activities.

Your Committee finds that the Department of Health is already in the process of establishing standards for air quality near geothermal exploration and development areas. The Department has testified that draft rules directed towards control of emissions and the setting of ambient air standards currently being reviewed by the Department, will be finalized following Departmental approval and review by the public. Your Committee has amended the resolution accordingly by deleting reference to air quality and the establishment of air quality standards by the Department in the body and title of the resolution.

Your Committee has heard conflicting testimony from the Department, from residents of the Puna district on the Big Island, and other parties regarding many informational details contained in the resolution. Your Committee finds that these details cannot be verified until more is known about geothermal energy. Accordingly, these details contained in the third, fourth, fifth, seventh, and eighth "Whereas" clauses have been deleted, and the sixth "Whereas" clause has been reworded for purposes of accuracy.

Your Committee finds that it would be inappropriate for the Department of Health to establish noise standards for geothermal exploration and development. Establishment of noise standards is related to land use planning and zoning, issues which are under the jurisdiction of the counties rather than the State Department of Health. This finding has been inserted in the resolution as the last "Whereas" clause. Your Committee has also amended the first "Be It Resolved" clause to request the Counties of Hawaii and Maui to work with the Department of Health in the establishment of adequate noise standards.

For the purpose of consistency, the last "Be It Resolved" clause has been amended to include the Mayors of the respective counties, as well as the Director of Health, as recipients of this resolution.

Your Committee on Health concurs with the intent and purpose of H.R. No. 336, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 336, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 854-84 Health on H.R. No. 171

The purpose of this resolution is to provide information that may be used to address the problem of teenage suicide.

Your Committee finds a lack of information necessary for an informed and systematic approach to the problem of teenage suicide. Nationwide, approximately 5,000 teenagers commit suicide each year, a 300 percent increase since 1955. While the rate of suicides in Hawaii among persons aged 19 and younger is lower than among any other age group, the youth of the victims and loss to the community are a tragedy which deserves thorough investigation. It is noted that the rate of suicide among persons aged 15 to 19 during the years 1968-1972 was substantially higher than the prior measured period of 1958-1962.

Your Committee heard testimony from the Department of Health recommending that the initial step in addressing this problem would be an update of a statistical study, "Suicide in Hawaii, 1908-1972", published in September 1979 by the Research and Statistics Office of the State Department of Health. Your Committee has amended this resolution accordingly. The first "Be It Resolved" clause has been deleted and replaced with language directing the Department of Health to update research on the subject.

Your Committee has further amended this resolution by adopting the Department's recommendation that its findings be reported to the House ten days prior to the convening of the Regular Session of 1985. The second "Be It Resolved" clause has been amended accordingly.

Your Committee on Health concurs with the intent and purpose of H.R. No. 171, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 171, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 855-84 Health and Higher Education and the Arts on H.R. No. 164

The purpose of this resolution is to recommend that the Department of Health support activities of the Western Consortium for the Health Professions and enable the consortium, of which the University of Hawaii School of Public Health is a member, to receive State Funding.

Your Committees find that the University of Hawaii, the University of California at Berkeley and the University of California at Los Angeles have established, under their respective schools of public health, a nonprofit corporation called the Western Consortium for the Health Professions, Incorporated. The consortium's mission is to improve public health by conducting joint educational, research, and service activities.

The Department of Health has testified that it could benefit by the work of the consortium and has recommended support for the concept. Your Committees find that the Department of Health has not allocated funds for the consortium and are in agreement that any sums for the consortium be provided through the University of Hawaii.

Your Committees further find that a similar resolution has been adopted by the California State Legislature.

Your Committees on Health and Higher Education and the Arts concur with the intent and purpose of H.R. No. 164 and recommend its adoption.

Signed by all members of the Committees except Representative Baker.

SCRep. 856-84 Energy, Ecology and Environmental Protection; Health; and
Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 236

The purpose of this resolution is to review existing state laws and regulations on pesticide and water quality and to see how these laws and regulations can be integrated with those of the federal government. Such a study will help streamline

existing state laws and regulations and make them more effective tools for statewide policy in pesticide and water quality management.

Your Committee finds that the problem of pesticides to our drinking water supplies and food commodities is of great concern to the general public.

Your Committee heard supporting testimony from the Office of Environmental Quality Control, the Environmental Center, and the University of Hawaii's College of Tropical Agriculture and Human Resources. All agreed with the intent of the resolution.

Your Committee on Energy, Ecology and Environmental Protection, Health, and Water, Land Use Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 236 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representative Baker.

SCRep. 857-84 Energy, Ecology and Environmental Protection; Health; and
Water, Land Use, Development and Hawaiian Affairs on
H.C.R. No. 93

The purpose of this concurrent resolution is to review existing state laws and regulations on pesticide and water quality and to see how these laws and regulations can be integrated with those of the federal government. Such a study will help streamline existing state laws and regulations and make them more effective tools for statewide policy in pesticide and water quality management.

Your Committee finds that the problem of pesticides to our drinking water supplies and food commodities is of great concern to the general public.

Your Committee heard supporting testimony from the Office of Environmental Quality Control, the Environmental Center, and the University of Hawaii's College of Tropical Agriculture and Human Resources. All agreed with the intent of the concurrent resolution.

Your Committee on Energy, Ecology and Environmental Protection, Health, and Water, Land Use Development and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 93 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representative Baker.

SCRep. 858-84 Agriculture and Water, Land Use, Development and Hawaiian
Affairs on H.R. No. 230 (Majority)

The purpose of this resolution is to request that the Department of Land and Natural Resources, with the assistance of the Department of Agriculture and the Hawaii Farm Bureau Federation, investigate the feasibility of the leasing of private agricultural lands by the State for the purpose of subleasing those lands to dairy farmers who would use the land for production of dairy cattle feed. Another purpose of this resolution is to request that the Department of Land and Natural Resources discuss with private landowners the terms for such a lease agreement.

Your Committees find that at present, the cost of dairy cattle feed accounts for 50 to 55 percent of the total cost of milk production in the State. The costs of transportation from the mainland U.S. to Hawaii constitute approximately 40 percent of those feed costs.

Your Committees also find that the economical local production dairy cattle roughages would facilitate the State's dairy industry in reducing production costs and increasing industry efficiency and self-sufficiency, but is contingent upon the industry's obtaining suitable land with reasonable lease and water rates. Your Committees find that it would be in the interest of the State to encourage and promote the growth and development of the local dairy industry and other diversified agricultural commodities.

Your Committees have made several technical, non-substantive amendments to this resolution, changing references to the term "dairy feed" to properly read

"dairy cattle feed", and correcting a reference to a dairy farmers' cooperative to properly read "Green Feed Cooperative".

Your Committees on Agriculture and Water, Land Use Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 230, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 230, H.D. 1.

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

SCRep. 859-84 Water, Land Use, Development and Hawaiian Affairs and
Transportation on H.R. No. 215

The purpose of this resolution is to urge the Department of Land and Natural Resources to expedite State acquisition of the remaining portion of the Nike Access Road, less than two miles in length, thereby creating a public access between Farrington Highway and the Mokuleia Forest Reserve.

According to numerous testimonies, there is much interest in having the State acquire that portion of the Nike Access Road which is owned by Northwestern Mutual Life Insurance Company of Milwaukee. The Department of Land and Natural Resources is already in the process of discussing and negotiating with affected parties to acquire the remaining portion of the Road. Your Committees are in agreement that the Department should continue and expedite its efforts in achieving the goal of acquiring that portion of the Road.

Your Committees recommend the following amendments to this resolution:

(1) To replace the first "WHEREAS" clause with a new one:

"WHEREAS, planners from the State and the City and County of Honolulu have designated the Makua, Kaena Point, Mokuleia Forest Reserve, Kuoakala, and Keawaula area as a primary recreational area on Oahu; and".

This new clause is more comprehensive than the original version and less subject to misinterpretation regarding the specific areas to be included in the primary recreational area;

(2) To replace Mokuleia Homestead Ranch by Northwestern Mutual Life Insurance Company of Milwaukee, as the rightful owner of the property in question, in the sixth "WHEREAS" clause;

(3) To replace the final "WHEREAS" clause with a new one:

"WHEREAS, there is a need to expedite the acquisition by land exchange, county zoning conditions, or any other means, of the remaining portion of the Nike Access Road, and report back to the Legislature with the cost, if no-cost acquisition is not possible; now, therefore,".

This new clause identifies the various options available to the Department of Land and Natural Resources in acquiring land for the State, and further directs the Department to report any cost of such acquisition;

(4) To delete the last line in the "BE IT RESOLVED" clause with a new one. Your Committees are in agreement that there is no question that the acquisition is needed;

(5) To replace the phrase "findings and recommendations" by the word "progress", in the first "BE IT FURTHER RESOLVED" clause. Your Committees find that there is no further need to receive findings and recommendations from the Department on what it has already begun. A progress report is appropriate; and

(6) To make technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting resolutions.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and on Transportation concur with the intent and purpose of H.R. No. 215, as amended

herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 215, H.D. 1.

Signed by all members of the Committees.

SCRep. 860-84 Finance on H.C.R. No. 115

The purpose of this House Concurrent Resolution is to approve the final compensation plan for civil service employees prepared by the Conference of Personnel Directors, adjusted by the Public Employees Compensation Appeals Board, and submitted to the Legislature through the Office of the Governor.

Sections 77-4 and 77-5, HRS, relating to the Compensation Law for Public Officers and Employees require the Personnel Directors of the State and Hawaii, Maui and Kauai counties, the Administrative Director of Courts, and the Director of Civil Service of the City and County of Honolulu to meet in joint conference each odd-numbered year to review the pay plan for civil service employees and to recommend a tentative compensation plan to the Public Employees Compensation Appeals Board (PECAB). PECAB then conducts hearings for pricing appeals from affected persons and parties and makes final adjustments to the tentative compensation plan. Thereafter, the joint conference is to submit to the Legislature, through the Office of the Governor, a report setting forth the final compensation plan with implementing costs or adjustments thereto for the following fiscal year.

Your Committee recommends that the most recent final compensation plan submitted effective July 1, 1984, be approved.

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

Signed by all members of the Committee.

SCRep. 861-84 Tourism on H.R. No. 375

The purpose of this resolution is to request that Sister-State/Prefecture relationships be established between the State of Hawaii and the Hiroshima, Kumamoto, Okinawa, Tokyo, and Yamaguchi Prefectures.

Your Committee finds that a policy of establishing goodwill, cultural, business and commercial ties between Hawaii and all other countries around the world is desirable, and exemplifies Hawaii's hospitality and aloha.

Hawaii's relationship with Japan is a healthy and ever growing one, with strong historical and ethnic ties between them. A present Sister-State/Prefecture affiliation between the State of Hawaii, U.S.A., and Fukuoka, Japan, has contributed to the social, economic, educational, and cultural growth of both Hawaii and Fukuoka.

Your Committee also finds that 1985 will mark both the 125th anniversary of the opening of friendly relations between the United States of America and Japan and the 100th anniversary of Japanese immigration to Hawaii.

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 375 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 862-84 Tourism on H.C.R. No. 144

The purpose of this concurrent resolution is to request that Sister-State/Prefecture relationships be established between the State of Hawaii and the Hiroshima, Kumamoto, Okinawa, Tokyo, and Yamaguchi Prefectures.

Your Committee finds that a policy of establishing goodwill, cultural, business and commercial ties between Hawaii and all other countries around the world is desirable, and exemplifies Hawaii's hospitality and aloha.

Hawaii's relationship with Japan is a healthy and ever growing one, with strong historical and ethnic ties between them. A present Sister-State/Prefecture affiliation between the State of Hawaii, U.S.A., and Fukuoka, Japan, has contributed to the social, economic, educational, and cultural growth of both Hawaii and Fukuoka.

Your Committee also finds that 1985 will mark both the 125th anniversary of the opening of friendly relations between the United States of America and Japan and the 100th anniversary of Japanese immigration to Hawaii.

Your Committee on Tourism concurs with the intent and purpose of H.C.R. No. 144 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 863-84 Higher Education and the Arts on H.R. No. 169

The purpose of this resolution is to request the House Committee on Higher Education and the Arts to evaluate the John A. Burns School of Medicine and the William S. Richardson School of Law and prepare a report summarizing its findings and recommendations. This evaluation shall be submitted to the Legislature before the Regular Session of the 1985 Legislature.

Your Committee was informed that the primary reasons for establishing local medical and law schools were to improve the State's medical and legal systems, and to provide access to a medical or legal education for qualified Asian and Pacific Basin students, particularly those of limited financial resources.

As a customary practice, the Legislature regularly examines and evaluates or requests examinations and evaluations of institutions and programs it establishes due to the rapidly changing social, financial, and economic patterns and resulting community needs.

The report shall include but not be limited to an examination of the present status and future goals of the medical and law schools. In addition the report shall identify the community's future needs in regards to the schools, and the appropriateness of the original reasons for establishing the institutions.

In order for the report to be submitted to the Legislature before the Regular Session of the 1985 Legislature, your Committee recommends that the House Committee on Higher Education and the Arts be allowed to undertake the evaluation during the 1984 Legislative interim session. Consequently, your Committee has amended the resolution by changing the last paragraph on page 2, to read as follows:

"BE IT RESOLVED by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, that the House of Representatives' Committee on Higher Education and the Arts is requested to evaluate the John A. Burns School of Medicine and the William S. Richardson School of Law during the 1984 Legislature interim session and prepare a report summarizing its findings and recommendations, which shall include but not be limited to: ..."

Your Committee on Higher Education and the Arts is in accord with the intent and purpose of H.R. No. 169, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 169, H.D. 1.

Signed by all members of the Committee.

SCRep. 864-84 Agriculture on H.R. No. 28

The purpose of this resolution is to request the House Committee on Agriculture to conduct hearings to review the current conditions and existing statutory provisions relating to agricultural leases and to submit recommendations for appropriate legislative action prior to the adjournment of the Regular Session of 1984.

Your Committee finds that the continued availability of land suitable for agricultural production is essential to the realization of the aims established in the

Hawaii State Plan toward increasing the overall level of agricultural development in Hawaii.

Your Committee further finds that the process of urban encroachment has serious implications for Hawaii's agricultural industries by limiting the availability of the non-replaceable agricultural land resources they depend on. Characteristics that make land highly suitable for agricultural use, such as availability of water, minimum slope, good drainage, and proximity to urban centers are often the characteristics that also make the land highly attractive for urban development.

Your Committee finds that inasmuch as land use and other regulatory powers impacting on leasing matters are vested in the county governments, it would be more appropriate to request that the Counties rather than the State become involved in resolution of agricultural leasing problems. Your Committee has accordingly amended this resolution to request that the Mayor and County Council of each of the counties work directly with landowners and their agricultural lessees within their respective counties in the resolution of agricultural leasing and renegotiation problems; to encourage the counties to use their land use and other regulatory powers to bring about solutions acceptable to both lessors and lessees of agricultural lands; and to request that each of the counties submit to the Legislature a report of the county's activities, actions, and recommendations with regard to this matter prior to the convening of the Legislature in 1985.

Your Committee has also amended this measure to include two additional "WHEREAS" clauses referring to the commitment and responsibility of the State and the Counties to protect and encourage agricultural development, as noted in the Constitution of the State of Hawaii and the State Agriculture Functional Plan.

Your Committee has further amended this resolution to request that certified copies of the resolution be sent to the Mayor, the Chairperson of the County Council, the Director of the Department of Planning, and the Director of the Department of Economic Development or the Department of Research and Development of each of the counties.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 28, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 28, H.D. 1.

Signed by all members of the Committee.

SCRep. 865-84 Ocean and Marine Resources on H.C.R. No. 150

The purpose of this concurrent resolution is to request the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, to express its full support for the Marine Option Program's Ocean Day to be held on April 18, 1984; further, it urges the active participation by government, private industry, faculty, students and the general public.

The sea surrounding Hawaii profoundly affects the lives of its citizens today. The potential exists to increase our reliance on the ocean to provide food, energy and minerals to generate jobs and revenues.

Your Committee believes that an understanding of the marine environment and the relationship between Hawaii's people and our marine resources are of great importance to Hawaii's future.

Testimony presented from the Director of Marine Option Program, University of Hawaii, expressed concurrence with the intent and purpose of this concurrent resolution.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 150 and recommends its adoption.

Signed by all members of the Committee except Representative Takamine.

SCRep. 866-84 Water, Land Use, Development and Hawaiian Affairs on H.R.
No. 364

The purpose of this resolution is to request the High Technology Development Corporation:

- (1) To identify and analyze major impediments to the expansion of high technology industries in Hawaii; and
- (2) To recommend a plan of action for overcoming these impediments, including:
 - (a) Identification of ways to expedite ongoing private and public high technology park developments;
 - (b) Identification of probable high technology development opportunities and appropriate high technology development sites;
 - (c) Adoption of special development standards, rules, and procedures for high technology park development; and
 - (d) Identification of appropriate business incentives necessary to attract high technology businesses to Hawaii.

Chapter 206M, Hawaii Revised Statutes, created the High Technology Development Corporation, in part, to develop industrial parks for the location of high technology enterprises in Hawaii and to address certain weaknesses in Hawaii's natural and social environments which impede high technology development. Your Committee is in agreement that the Corporation should assign a high priority to the identification, analysis, and development of a plan to overcome impediments to fulfilling the objectives of the State in the high technology field.

Technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting resolutions, have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 364, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 364, H.D. 1.

Signed by all members of the Committee.

SCRep. 867-84 Water, Land Use, Development and Hawaiian Affairs on H.C.R.
No. 138

The purpose of this concurrent resolution is to request the High Technology Development Corporation:

- (1) To identify and analyze major impediments to the expansion of high technology industries in Hawaii; and
- (2) To recommend a plan of action for overcoming these impediments, including:
 - (a) Identification of ways to expedite ongoing private and public high technology park developments;
 - (b) Identification of probable high technology development opportunities and appropriate high technology development sites;
 - (c) Adoption of special development standards, rules, and procedures for high technology park development; and
 - (d) Identification of appropriate business incentives necessary to attract high technology businesses to Hawaii.

Chapter 206M, Hawaii Revised Statutes, created the High Technology Development Corporation, in part, to develop industrial parks for the location of high technology enterprises in Hawaii and to address certain weaknesses in Hawaii's natural and social environments which impede high technology development. Your Committee is in agreement that the Corporation should assign a high priority to the identification, analysis, and development of a plan to overcome impediments to fulfilling the objectives of the State in the high technology field.

Technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting concurrent resolutions, have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 138, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 138, H.D. 1.

Signed by all members of the Committee.

SCRep. 868-84 Water, Land Use, Development and Hawaiian Affairs on H.R.
No. 353

The purpose of this resolution is to urge the U.S. Senate Committee on Energy and Natural Resources and the U.S. House Committee on Interior and Insular Affairs to formally reject certain sections of the Final Report of the Native Hawaiians Study Commission, Volume I.

Under Public Law No. 96-565, the U.S. Congress mandated the establishment of a Native Hawaiians Study Commission to study the culture, needs, and concerns of Native Hawaiians and to provide guidance on possible federal responses in identified areas affecting the rights and interests of Native Hawaiians. The Commission released its Final Report in 1983. Your Committee is of the opinion that Volume I of the Final Report contains errors and other inaccuracies, including:

- (1) A fundamental misinterpretation of the history of these Hawaiian Islands;
- (2) A misapplication of American Indian law to the Native Hawaiian experience;
- (3) Legal analyses which jeopardize the whole body of claims and settlement precedents; and
- (4) A denial of justice to the Hawaiian people.

Moreover, according to testimony by the Office of Hawaiian Affairs, Volume II of the Final Report was prepared by Hawaii's minority members on the Commission, and attempts to refute the errors and inaccuracies in Volume I. Your Committee recommends that the State of Hawaii support the intent and purpose of Volume II in its refutation of the content of Volume I.

Technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting resolutions, have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 353, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 353, H.D. 1.

Signed by all members of the Committee.

SCRep. 869-84 Water, Land Use, Development and Hawaiian Affairs on H.C.R.
No. 132

The purpose of this concurrent resolution is to urge the U.S. Senate Committee on Energy and Natural Resources and the U.S. House Committee on Interior and Insular Affairs to formally reject certain sections of the Final Report of the Native Hawaiians Study Commission, Volume I.

Under Public Law No. 96-565, the U.S. Congress mandated the establishment of a Native Hawaiians Study Commission to study the culture, needs, and concerns of Native Hawaiians and to provide guidance on possible federal responses in identified areas affecting the rights and interests of Native Hawaiians. The Commission released its Final Report in 1983. Your Committee is of the opinion that Volume I of the Final Report contains errors and other inaccuracies, including:

- (1) A fundamental misinterpretation of the history of these Hawaiian Islands;
- (2) A misapplication of American Indian law to the Native Hawaiian experience;
- (3) Legal analyses which jeopardize the whole body of claims and settlement precedents; and

- (4) A denial of justice to the Hawaiian people.

Moreover, according to testimony by the Office of Hawaiian Affairs, Volume II of the Final Report was prepared by Hawaii's minority members on the Commission, and attempts to refute the errors and inaccuracies in Volume I. Your Committee recommends that the State of Hawaii support the intent and purpose of Volume II in its refutation of the content of Volume I.

Technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting concurrent resolutions, have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 132, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 132, H.D. 1.

Signed by all members of the Committee.

SCRep. 870-84 Finance on H.C.R. No. 78

The purpose of this Concurrent Resolution is to request the Legislative Reference Bureau to conduct a study on the establishment of a State Environmental Protection Agency (EPA). In addition, this Concurrent Resolution requests that the study include consideration of these topics which include:

- (1) other states which have a separate environmental protection agency;
- (2) the 1977 State Reorganization Plan recommendation which stated that the Department of Land and Natural Resources evolve into a Department of Environmental Affairs;
- (3) the roles of Hawaii's Departments of Agriculture and Health with respect to consolidating enforcement, regulatory, advisory, research, monitoring, and health assessment functions;
- (4) the functions of the Office of Environmental Quality Control;
- (5) an evaluation of the function of the University of Hawaii in environmental quality research;
- (6) the best alternative possible in regard to the formation of a state EPA and where it should be housed jurisdictionally;
- (7) a comprehensive plan for contaminants in the environment and the establishment of a manifest system; and
- (8) an educational and informational dissemination system.

The Joint House-Senate Interim Committee to Review the State's Capability to Monitor and Prevent Contamination of Water Resources by Pesticides reported that there is a need to provide for central coordination of the responsibilities of regulating, monitoring, and enforcing pesticide usage and water quality to enhance the operating effectiveness of state agencies involved with environmental quality management.

Your Committee believes that the establishment of a manifest and records system deserve special and immediate attention.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 78 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 871-84 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 322

The purpose of this resolution is to establish an interim sub-committee of the House Committee on Water, Land Use, Development and Hawaiian Affairs to study and recommend legislation to implement the provisions of Article XII, Section 7, of the State Constitution.

Article XII, Section 7, states, in part, that the State shall reaffirm and protect traditional and customary rights of descendants of Native Hawaiians who inhabited these Hawaiian Islands before 1778, for subsistence, cultural, and religious purposes. Your Committee is of the opinion that the Legislature has a responsibility in upholding and implementing the Constitution and its mandate.

Technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting resolutions, have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 322, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 322, H.D. 1.

Signed by all members of the Committee.

SCRep. 872-84 Water, Land Use, Development and Hawaiian Affairs on S.C.R.
No. 31

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources and pertinent county agencies to assess existing water hazard warning systems at both State- and county-owned beaches, in order to determine whether or not the public is being adequately warned of hazardous and potentially hazardous swimming conditions.

Your Committee concurs with the idea of a review and enhancement of the quality and quantity of warning signs posted within publicly owned beach parks, to ensure the safety of swimmers to the fullest extent possible.

Technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting concurrent resolutions, have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of S.C.R. No. 31, 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. 31, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 873-84 Education on H.R. No. 350

The purpose of this resolution is to: (1) Have the Department of Education clearly define the roles and responsibilities of each member of the training committee, (2) Have the training committee establish better communication and coordination with outer island educational assistants, and (3) Have the Department of Education prepare an analysis of the educational assistants' training needs survey and the resultant actions taken.

Your Committee finds that the Department of Education has acknowledged the need for supportive services of the educational assistants and in response to House Resolution No. 445 of the 1983 Legislative Session, the Department established a training committee to assess the training needs of the educational assistants.

Your Committee finds that there has been some ambiguity in defining the roles and responsibilities of each member of the training committee, and that the training committee needs to establish better communication and coordination with outer island educational assistants.

Your Committee has made technical and non-substantive amendments to this resolution.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 350, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 350, H.D. 1.

Signed by all members of the Committee.

SCRep. 874-84 Education on H.R. No. 378

The purpose of this resolution is to request the Department of Education to appoint a voluntary group of special education teachers representing each school district, to conduct a study of special education teacher concerns which shall include, but not be limited to: (1) class size; (2) Individualized Education Programs; (3) classroom conditions; (4) inservicing of certificated teachers and schools support staff regarding special education students; (5) guidelines for the certification of special education students; (6) mainstreaming; (7) related support services; (8) repetitive statistical data; and (9) budget allocation within schools.

Your Committee finds that the goals of special education are to provide an educational program which will enable all handicapped children to become self-sufficient to the extent their handicaps permit, to attain self-worth and personal dignity, to become participating members in their family and society, and to enable them to realize their fullest potential. Your Committee further finds that the special education teachers are ready and willing to work with the Department of Education in seeking solutions to the concerns and problems of the special education teachers in achieving the goals of special education.

Your Committee has amended this Resolution by including item number 5 in the sixth paragraph on page 1. This item was inadvertently omitted during the typing of the original resolution. The phrase added is "(5) guidelines for the certification of special education students;".

Your Committee on Education is in accord with the intent and purpose of H.R. No. 378, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 378, H.D. 1.

Signed by all members of the Committee.

SCRep. 875-84 Education on H.R. No. 241

The purpose of this resolution is twofold: (1) To request the Department of Education to conduct a study on schools exhibiting a high teacher-turnover rate and the impact on student performance and (2) to submit recommendations on incentive measures for teacher retention.

Your Committee finds that teacher-student communication continuity is a vital factor in the educational process. Your Committee further finds that there have been no formal studies conducted on schools exhibiting a high teacher-turnover rate and its impact on student performance.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 241 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 876-84 Education on H.R. No. 341

The purpose of this resolution is to require a report from the Juvenile Justice Interagency Board delineating alternatives to resolving the school attendance problems in Hawaii's public schools.

Your Committee is cognizant of the enormous burden shouldered by our schools in dealing with school attendance problems. We are also informed of the inter-relationship between this truancy problem and crimes committed by juveniles. We are further aware of the tremendous social and pecuniary costs which are accrued when such cases do occur and are referred to the courts.

Your Committee, therefore, is concerned that the truancy problem be addressed both to ensure successful completion of the truant's education and as a measure to prevent involvement of the truant in more heinous crimes. Furthermore, your Committee is concerned that efficient alternatives to addressing the truancy problem be available to and used by school and law enforcement officials.

Your Committee 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. 877-84 Education on H.R. No. 390

The purpose of this resolution is to request the Department of Education to recommend possible alternative strategies for implementing the goals of the Hawaiian studies program.

Article X, section 4, of the State Constitution requires the State to provide a Hawaiian education program in the public schools. The Department of Education implements the constitutional provision by offering the services of kupunas to supplement regular classroom instruction in 885 classes of the kindergarten through grade 2 or grade 3 levels. Ultimately, the Department plans to expand the program to every grade level of every public school.

Your Committee supports the constitutional provision and recognizes the importance of education in Hawaiian language, culture, and history. The reality of the financial constraints on the State, however, will make difficult the full funding of the Department's planned expansion of the program without trade-offs elsewhere. Thus, pragmatic alternative strategies to the Department's plans must be explored. Since the constitutional provision is very general, the Department is fairly uninhibited in the development of alternative strategies which comply with the intent of the Constitution, yet are realistic in terms of funding required for implementation.

Your Committee on Education concurs with the intent and purpose of H.R. No. 390 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 878-84 Education on H.R. No. 349

The purpose of this resolution is to have the Board of Education revise upwards the Department of Education's compensation schedule for coaches.

Your Committee finds that public school coaches throughout the State devote hundreds of hours beyond their regular classroom working hours to maintain the excellent athletic programs that are present in our schools. Your Committee further finds that the compensation schedule for coaches has not been substantially revised since 1968 and the coaches' salaries have not kept pace with the inflated cost of living and have not reflected this increase in workload.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 349 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 879-84 Education on H.R. No. 194

The purpose of this resolution is to request the Department of Education to reevaluate the existing redistricting plan in light of current student enrollment projections for the Makaha and Waianae areas, and to determine the need for and feasibility of establishing a new elementary school in the Waianae school complex; and, if appropriate, to recommend a "phased plan and timetable" for building a new elementary school. The plan would recommend a site and estimate the budgetary requirements to build and operate a new elementary school.

In the decade of the 1970's, the resident population of Makaha grew 41.7 per cent and the resident population of Waianae grew 140.5 per cent. During that decade Leihoku Elementary School was opened in Waianae, and school attendance boundaries were realigned to appropriately distribute students among Leihoku, Makaha, and Waianae Elementary Schools. By the 1983-1984 school year, the capacity of all three elementary schools was being taxed to the utmost with Waianae Elementary School having about 1,000 students, Makaha Elementary School over 1,000 students, and Leihoku Elementary having 690 students, a figure in excess of that projected for the 1984-1985 school year by the Department of Education.

Your Committee is aware that planning and building a new elementary school takes five years. All indications are that the Waianae and Makaha areas will continue to have a relatively high population growth rate. Your Committee is in

agreement with the purpose of the Resolution and believes there is a clear need for the requested reevaluation and report to the Legislature.

Your Committee on Education concurs with the intent and purpose of H.R. No. 194 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 880-84 Education and Health on H.R. No. 396

The purpose of this resolution is to have the Legislative Reference Bureau conduct a study and make recommendations on the transference of all school health services related activities from the Department of Health to the Department of Education.

Your Committees are aware that the Department of Health and the Department of Education currently jointly provide for school health services. However, your Committees are concerned that this bifurcated system of providing school health services is the source of a great deal of confusion to the public when dealing with health and medical concerns involving their children. Therefore, we believe that housing this function under one administrative roof will, at least, reduce the bureaucratic subterfuge experienced by many members of the public in dealing with school health problems and concerns.

Your Committees have amended this resolution to ensure that the study addresses all facets of what would be involved with the transfer of the school health services program, in toto, to the Department of Education.

Your Committees on Education and Health are in accord with the intent and purpose of H.R. No. 396, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 396, H.D. 1.

Signed by all members of the Committees except Representatives Baker, Hagino and Jones.

SCRep. 881-84 Education and Health on H.R. No. 395

The purpose of this resolution is to require a feasibility study on the establishment of intermediate nursing facilities for the care of severely multiply handicapped children. This study is to be a cooperative effort of the Department of Education and the Department of Health.

Your Committees are concerned that the care of the severely multiply handicapped children be addressed primarily as a health problem. While we do not deny the need for educational services to this group of children, we are more concerned that their health needs take precedence and require considerably more attention during the course of the school day.

Your Committees are further concerned that in complying with P.L. 94-142, the State has exhibited more than fair effort. In complying with this federal law, the Department of Education has testified that the State's share of educational costs amounts to 90 per cent of the funds budgeted for special education. The Department of Health further testified that 100 per cent of funds budgeted for the State's School Health Services Branch comes from the State's general fund. We find this lack of federal assistance in meeting the mandates of the federal government to be unjust. Your Committees, therefore, believes that it is time for the State to step back and assess its position in addressing this serious, albeit costly, problem.

Your Committees on Education and Health are in accord with the intent and purpose of H.R. No. 395 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Baker, Hagino and Jones.

SCRep. 882-84 Water, Land Use, Development and Hawaiian Affairs and Housing on H.R. No. 141

The purpose of this resolution is to request the Legislative Reference Bureau (LRB) to conduct a feasibility study and make recommendations regarding a system of land readjustment for the redevelopment and revitalization of appropriate communities in the State of Hawaii. The resolution further directs the LRB to consult with various State, local and community organizations, as well as the University of Hawaii's Department of Urban and Regional Planning, in the course of its research, and to report the findings and recommendations pursuant to such research, to the Legislature at least 30 days before the convening of the Regular Session of 1985.

Your Committees heard testimony in favor of the resolution from the Hawaii Community Development Authority; the Kalihi-Palama Community Council; the former Chairman of the Council's Committee on Community Study and Planning; the Consumers' Housing Task Force; Mr. Arthur Akinaka of Akinaka & Associates, a well-known expert on land readjustment in Hawaii; and Mr. Luciano Minerbi of the University of Hawaii's Department of Urban and Regional Planning, also a recognized expert in the land readjustment area.

Your Committees find that the land readjustment approach, as a land use planning and redevelopment option, is one which merits further study and discussion. This approach may hold particular promise for those areas in the State where land use plans have been adopted by various State and city agencies calling for inner-city redevelopment. Cost-savings, coordinated planning and community input are some of the purported benefits of the land readjustment system.

Your Committees also recognize that a land readjustment system may give rise to certain concerns, such as special problems of participation in the system faced by elderly landowners, options for those who choose not to participate in the system, the appropriate level of government involvement in providing guidelines and restrictions on utilization of the system, and the appropriate level of participation by non-owner tenants in the system, among other more general concerns over the possible social, economic, and environmental impediments to utilization of such a system.

Your Committees have amended the resolution in keeping with these concerns by adding a "WHEREAS" clause to enumerate the concerns, and by including the concerns, as well as any others that may be appropriate, in the matters to be addressed by the proposed LRB study. Your Committees have also amended the resolution to stipulate that the LRB's recommendations include methods and approaches to facilitate the utilization of the land readjustment approach, if appropriate, and to broaden the groups and individuals with which the LRB may consult in the course of its research. It should be noted that there is no cost required for the LRB to conduct the feasibility study.

Your Committees have further amended the resolution to include Hilo in the group of city districts having land use plans calling for redevelopment and revitalization, and have made other, non-substantive amendments to correct improper syntax.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and on Housing concur with the intent and purpose of H.R. No. 141, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 141, H.D. 1.

Signed by all members of the Committees except Representative Baker.

SCRep. 883-84 Water, Land Use, Development and Hawaiian Affairs and
Tourism on S.C.R. No. 39

The purpose of this concurrent resolution is to request the Steering Committee for the Big Island Ocean Recreation and Tourism Project to present a status report concerning its project accomplishments, expenditures and community contributions, current ongoing programs, future plans, and other relevant issues; and to request the Sea Grant Extension Service at the University of Hawaii to develop and submit a five-year plan to the Legislature for the development of Big Island ocean recreation opportunities available to Hawaii's residents and visitors alike.

According to testimony by the Department of Planning and Economic Development, it is important for Hawaii's residents and visitors to become aware and knowledgeable about the ocean environment and its resources. Moreover, the

ocean is an important part of the attraction that Hawaii holds for the tourist industry. Your Committees are in agreement that a program to develop and promote ocean recreation can reap economic benefits for the State and the County of Hawaii.

Technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting concurrent resolutions, have been made.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and on Tourism concur with the intent and purpose of S.C.R. No. 39, S.D. 1, as amended herein, and recommend 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 Committees except Representatives Levin and Wong.

SCRep. 884-84 Consumer Protection and Commerce and Health on H.R. No. 339

The purpose of this resolution is to study the extent of the problem of impaired physicians, and to obtain other findings and recommendations.

Your Committees reviewed testimony in favor of the resolution from the Department of Health, the Hawaii Medical Association, and the Department of Commerce and Consumer Affairs. All testified as to the need and value of such a study to be done by a committee of knowledgeable members representing appropriate public and private agencies, and requested that the committee include the Hawaii Commission on Drug Abuse and Controlled Substances. They also recommended that the matter of developing a pilot program be eliminated because of high costs and because such a program would place the Department of Commerce and Consumer Affairs in a "conflict of interest" position. Consequently, H.R. 339 has been amended to reflect these changes.

Your Committees on Consumer Protection and Commerce and Health concur with the intent and purpose of H.R. 339, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. 339, H.D. 1.

Signed by all members of the Committees except Representatives Baker, Hayes, Jones and Medeiros.

SCRep. 885-84 Judiciary on H.R. No. 199

The purpose of this resolution is to request the Legislative Reference Bureau to submit recommendations on the appropriate legislative action needed to grant voting rights to Samoan U.S. Nationals.

Your Committee has held a public hearing on this resolution and has received testimony from the State Immigrant Services Center, Fofoga O Samoa (Voice of Samoa), and a member of the Samoan community.

Fofoga O Samoa testified in support of this resolution, pointing out that Samoans with U.S. national status residing in Hawaii are subject to all laws of the State, must pay state and federal taxes, and must comply with Selective Service registration laws. While these U.S. nationals have all of the obligations and responsibilities of citizens, they are denied the right to vote. Many Samoans hesitate to apply for American citizenship, fearing that by such action their family claims to traditionally held aboriginal lands in American Samoa might be extinguished or compromised.

Your Committee reviewed an opinion of the Department of the Attorney General, dated September 29, 1983, which addressed the constitutionality of proposed legislation providing for the vote for U.S. nationals. In that letter opinion, the Attorney General asserted that "... in view of the wide scope that a state has in determining qualifications for voters, an amendment to the Hawaii Constitution to allow persons other than United States citizens to vote would appear to be valid."

Your Committee finds that many Samoans who are long time residents of the State are U.S. Nationals, denied the vote in local and state elections, and that this has hindered efforts of the Samoan community to participate in the political process.

Such participation is necessary if the Samoan community is to have equal access to services and an effective voice in government. Accordingly, proposed legislation providing for the right to vote for U.S. nationals should be prepared for consideration.

Your Committee has amended this resolution by amending the title to read: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO STUDY THE APPROPRIATE LEGISLATIVE RIGHTS TO SAMOAN U.S. NATIONALS". Consistent with that change, in view of the nature of the request, the resolution was amended by adding clauses requesting the Department of the Attorney General to study and recommend appropriate legislative action and deleting the request made to the Legislative Reference Bureau.

In addition, your Committee has further amended this resolution for the purpose of accuracy by identifying American Samoa as an "outlying possession" rather than a "territory," and correcting the date of the Attorney General opinion to read "September 29, 1983." Your Committee has also made numerous nonsubstantive amendments to the resolution.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 199, as amended herein, and recommends that it be referred in the form attached hereto as H.R. No. 199, H.D. 1, to the Committee on Finance.

Signed by all members of the Committee except Representative Baker.

SCRep. 886-84 Employment Opportunities and Labor Relations on H.R. No. 369

The purpose of this resolution is to request the Department of Labor and Industrial Relations to review and present justification for the difference between temporary disability benefits for state employees and "statutory benefits" available to the employees of the private sector. Further, the Department is asked to submit its findings to the Legislature at least twenty days prior to the convening of the 1985 legislative session.

After hearing testimony from Department of Labor and Industrial Relations, your Committee has decided that a review of the disparity between temporary disability benefits in the public and the private sectors is justified. Further, your Committee has asked that special consideration be given to the unique situation of Legislative Session employees. The Committee feels that the Department of Personnel Services should be involved in this review. As such the first and the last resolve clauses have been amended, respectively, to request that the Department of Personnel Services be consulted and to provide that its Director receive a copy of this resolution.

Further, the phrase, "and present justification for" has been deleted from the title and line 4 of clause 5, because your Committee feels that the difference in benefits cannot be justified. Finally, clause six has been deleted in its entirety.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. 369, as amended herein, and recommends that it be referred to the Committee on Finance, in in the form attached hereto as H.R. No. 369, H.D. 1.

Signed by all members of the Committee.

SCRep. 887-84 Employment Opportunities and Labor Relations on H.R. No. 359

The purpose of this resolution is to request the Department of Labor and Industrial Relations to investigate the alleged nonpayment of unemployment compensation contributions by mainland contractors performing public on United States military bases in Hawaii. The Attorney General and U.S. Commander in Chief, Pacific, are requested to aid in this investigation. The Department is to submit its report to the Legislature prior to the convening of the 1985 Regular Session.

After hearing testimony from the Department of Labor and Industrial Relations, your Committee has determined that the Hawaii Employment Security Law requires the payment of contributions by employers. Mainland employers are not exempted from this requirement. Consequently, the Department should do all in its power to ensure that mainland contractors adhere to state law.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 359 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 888-84 Employment Opportunities and Labor Relations on H.C.R. No.
136

The purpose of this concurrent resolution is to request that the Department of Labor and Industrial Relations investigate the alleged nonpayment of unemployment compensation contributions by mainland contractors performing public works on United States military bases in Hawaii. The Attorney General and U.S. Commander in Chief, Pacific are requested to aid in this investigation. The Department is asked to report its findings to the Legislature prior to the convening of the 1985 Regular Session.

After hearing testimony from the Department of Labor and Industrial Relations, your Committee has determined that the Hawaii Employment Security Law requires the payment of contributions by all employers. Mainland employers are no exception to this law. Consequently, the Department of Labor and Industrial Relations should do all in its power to assure that mainland contracts adhere to this law. In this manner, complete coverage for employees and equity among employers can be maintained.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.C.R. No. 136 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 889-84 Employment Opportunities and Labor Relations on H.R. No. 358

The purpose of this resolution is to request the Department of Labor and Industrial Relations to investigate the alleged lack of workers' compensation coverage for employees of mainland contractors engaged in federal public works projects on United States military bases in Hawaii. The Department is requested to submit a report on this investigation to the Legislature prior to the convening of the Regular Session of 1985.

After reviewing testimony from the Subcontractors Association of Hawaii and the Building Industry Association of Hawaii, your Committee is in agreement with H.R. No. 358. Hawaii contractors are losing millions of dollars of work to mainland firms each year. Therefore, it is reasonable to request that the Department of Labor and Industrial Relations require mainland contractors to pay the same workers' compensation costs as those paid by Hawaii's contractors. Thus, mainland firms will be denied an unfair bidding advantage.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 358 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 890-84 Employment Opportunities and Labor Relations on H.C.R.
No. 135

The purpose of this concurrent resolution is to request the Department of Labor and Industrial Relations to investigate the alleged lack of workers' compensation coverage for employees of mainland contractors engaged in federal public works projects on United States military bases in Hawaii. The Department is requested to submit a report on this investigation to the legislature prior to the convening of the Regular Session of 1985.

After reviewing testimony from the Subcontractors Association of Hawaii and the Building Industry Association of Hawaii, your Committee is in agreement with H.C.R. No. 135. Hawaii contractors are losing millions of dollars of work to mainland firms each year. Therefore, it is reasonable to request that the

Department of Labor and Industrial Relations require mainland contractors to pay the same workers' compensation costs as those paid by Hawaii's contractors. Thus, mainland firms will be denied an unfair bidding advantage.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.C.R. No. 135 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 891-84 Human Services and Employment Opportunities and Labor Relations on H.R. No. 351

The purpose of this resolution is to request that the Department of Labor and Industrial Relations develop and thereafter provide coordinated and consistent information on elderly employment and related issues.

Your Committees find a need for a standardized definition of "elderly" as presented in State reports. The Executive Office on Aging, the Department of Labor and Industrial Relations and the State Commission on Manpower and Full Employment have testified that age groupings and definitions of "elderly" vary among State programs related to or responsible for collecting and maintaining employment information. Consequently, information on the elderly is difficult to consistently tabulate, compare, and analyze for trends or changes. The Executive Office on Aging and the State Commission on Manpower and Full Employment have testified as to their willingness to assist the Department of Labor and Industrial Relations in its determination of a standardized definition of "elderly", as proposed in this resolution.

Your Committees find that section (2) and (3) of the first "Be It Resolved" clause call for the development of information concerning issues related to elderly employment. The Department of Labor and Industrial Relations has testified that implementation would require State staffing and funding support above current levels. Therefore, your Committees have amended this resolution by deleting sections (2) and (3) of the first "Be It Resolved" clause.

Your Committees on Human Services and Employment Opportunities and Labor Relations concur with the intent and purpose of H.R. No. 351, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 351, H.D. 1.

Signed by all members of the Committees except Representative Baker.

SCRep. 892-84 Human Services on H.R. No. 352

The purpose of this resolution is to request a recommendation from the State Coordinating Council on Deafness on the best means to adequately meet the needs of the deaf community for the telecommunication device for the deaf relay services.

Your Committee finds that the telecommunication device for the deaf (TDD) enables a deaf person to contact other deaf persons by telephone, thus promoting equal opportunity, equal access, and non-discrimination. This resolution seeks to address the concern of providing adequate TDD service for Hawaii's deaf community.

The Department of Social Services and Housing has testified that its Vocational Rehabilitation and Services for the Blind Division has the capability to provide the staff support needed by the State Coordinating Council on Deafness to conduct the proposed study.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 352 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Baker.

SCRep. 893-84 Human Services and Judiciary on H.R. No. 333

The purpose of this resolution is to request the Legislative Auditor to conduct a management audit of the activities of the State Medicaid Fraud Control Unit.

Your Committees received testimony that the Medicaid Fraud Control Unit allegedly takes an excessive adversarial approach and abuses its authority when conducting investigations and audits. Your Committees have considered the establishment of procedural requirements for audits of Medicaid providers by the Medicaid Fraud Control Unit. However, your Committees find that more information is necessary in order to determine the need for and nature of procedural requirements for State Medicaid audits.

Your Committees agree that the management audit called for in this resolution is an important first step in addressing serious concerns with respect to the audits conducted by the State Medicaid Fraud Control Unit.

Your Committees on Human Services and Judiciary concur with the intent and purpose of H.R. No. 333 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representative Baker.

SCRep. 894-84 Human Services; Health; and Consumer Protection and Commerce
on H.R. No. 340

The purpose of this resolution is to request the Legislative Reference Bureau to examine the role of nursing in Hawaii including all of the nursing specialties such as nurse practitioners, clinical nurse specialists, and geriatric nurse practitioners.

Your Committees find that studies conducted by the Federal Health Care Financing Administration and private research address the role of nursing in the delivery of primary care services to the elderly. Your Committees find a need for further study of this issue at the State level.

Your Committees on Human Services, Health and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 340 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Baker and Ikeda.

SCRep. 895-84 Health and Human Services on H.R. No. 282

The purpose of this resolution, as received by your Committees, is to request the Department of Health and Department of Social Services and Housing to jointly develop a plan for the implementation of Act 54, SLH 1982.

Your Committees find that the implementation of Act 54 is desirable because it would allow flexibility in meeting the community residential needs of individuals in care and boarding homes. The major factor that has hindered the implementation of Act 54 is the disagreement concerning the fire and safety codes required to protect the residents of care and boarding homes.

Your Committees further find that stringent rules are imposed upon those homes housing more than four residents, such as the requirement of costly overhead sprinklers. This has discouraged homes from expanding their number of residents.

Your Committees have amended this resolution by including the fire and building departments of all four counties in the development of a mutually agreeable plan, along with the Department of Health and the Department of Social Services and Housing.

Your Committees on Health and Human Services concur with the intent and purpose of H.R. No. 282, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 282, H.D. 1.

Signed by all members of the Committees except Representatives Baker and Ikeda.

SCRep. 896-84 Human Services on H.R. No. 334

The purpose of this resolution is to request the Governor and the Director of Social Services and Housing to conduct a feasibility study of establishing a new division under the Department of Social Services and Housing to administer the Medicaid program.

Your Committee finds that the establishment of a Medicaid Division within the Department has been and is currently being studied. There appears to be two major obstacles: the significant cost increase resulting from the administration, location and addition of new staff at the division level; and the impact of policy coordination between the Medicaid program and the Income Maintenance programs which operate under similar eligibility regulations and service the same population.

The Department has testified that it is currently reviewing alternatives including the establishment of a division for the Medicaid program and is also conducting an in-depth staffing analysis of the Medicaid program in cooperation with the Federal Health Care Financing Administration.

Your Committee has amended this resolution by limiting its scope to that of a feasibility study. Accordingly, the second "Be It Resolved" clause has been deleted. For the purposes of consistency, the third "Be It Resolved" clause has been reworded.

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

Signed by all members of the Committee except Representative Baker.

SCRep. 897-84 Human Services on H.R. No. 272

The purpose of this resolution is to request the Department of Social Services and Housing to conduct a feasibility study on economical methods of identifying unreported income and resources of public assistance applicants and recipients.

Your Committee received testimony from the Department of Social Services and Housing and the Attorney General indicating that many persons illegally receive public assistance benefits even though they have substantial assets which, if disclosed to the Department, would disqualify them from eligibility. These assets can be in the form of accounts at banks and savings institutions, ownership of real property, workers' compensation, pensions, temporary disability insurance and possibly other publicly recorded forms of resources. Presently the Department has no way of verifying if these resources exist. The unfortunate consequence is that an applicant or recipient can totally falsify an application, and escape detection for many months or even years.

Your Committee finds that a public welfare system which permits widespread fraud and abuse can only defeat the purpose of humane public assistance programs. Welfare waste and duplication must be eliminated to maintain public confidence and fiscal integrity in programs to assist those who are truly in need. This can only be accomplished with independent verification of the resources of welfare applicants and recipients.

Your Committee agrees that this resolution would direct the Department on Social Services and Housing to do an exhaustive study of alternative methods of asset verification as part of their comprehensive effort to improve and update welfare management.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 272 and recommends it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Baker.

SCRep. 898-84 Education on H.C.R. No. 126

The purpose of this concurrent resolution is to request the public schools of the State of Hawaii to dedicate the song "Eia Makou" to the State as a part of the Silver Jubilee Statehood celebration and arrange to have the song sung during the May Day programs at each school.

Your Committee finds that the song "Eia Makou", which translates into "Here we are the children of Hawaii" is an appropriate and symbolic song to have the children of Hawaii sing and dedicate to the Silver Jubilee Statehood celebration.

Your Committee has amended the title of this concurrent resolution by deleting the colon after the word "song".

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 126, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 126, H.D. 1.

Signed by all members of the Committee.

SCRep. 899-84 Water, Land Use, Development and Hawaiian Affairs and
Education on S.C.R. No. 44

The purpose of this concurrent resolution is to support the findings and recommendations of the Native Hawaiian Educational Assessment Project (NHEAP) study, and to encourage the appropriate State and federal agencies to use it as a basis in directing the development of more effective educational programs for "Native Hawaiians".

Your Committees find that there is a disproportionate representation of "Native Hawaiians" and Hawaiians in many socio-economic indices that are considered negative. For instance, the 1980 U.S. census reports that 15.1 per cent of all Hawaiian families of four fell within the level of poverty (\$7,412 per annum), compared with 7.8 per cent for the State of Hawaii in general. Also, although only 14 per cent of the total number of persons arrested in Hawaii in 1980 were Hawaiians, they comprised 41 per cent of the total incarcerated. Your Committees are in agreement with the premise that education, beginning particularly with the very young, is the best and most important means for changing and improving an individual's economic and social self-sufficiency. However, additional statistics indicates that "Native Hawaiian" and Hawaiian children in Hawaii's public schools fare poorly. The 1980 S.A.T. reading scores show that 35 per cent of the Hawaiian and part-Hawaiian public school students fell "below average" (Stanines 1-3), compared with 24 per cent of the total public school population, and that 7 per cent were "above average" (Stanines 7-9), compared with a statewide 18 per cent. Your Committees are of the opinion that a sense of urgency and priority must be given to educational concerns addressed in the NHEAP study.

Technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting concurrent resolutions, have been made.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and on Education concur with the intent and purpose of S.C.R. No. 44, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 44, H.D. 1.

Signed by all members of the Committees except Representatives Kawakami, Kiyabu-Saballa and Jones.

SCRep. 900-84 Education on H.R. No. 383

The purpose of this resolution is to request the Department of Education to conduct a review of the criteria used in the approval process for computer purchase requests to ensure that schools which use their initiative and creative ideas to acquire computer equipment are not discouraged to do so.

Your Committee finds that individual schools are presently allowed to purchase computer equipment with School Priority Fund moneys, Chapter 2 block grants, and other sources of funds which are received through the Department of Education. In its approval process of computer equipment, the Department considers the current number of computers in a particular school, and is indifferent to the type of funding used to purchase the equipment, which may result in a reduced allotment of departmental funds for computer purchase. Your Committee finds that this discriminates against schools which have set computer equipment acquisition and instruction as their priorities in expending their School Priority Fund moneys and foregoing the purchase of other equipment, supplies or services.

It is the hope of your Committee that the Department of Education recognize the concerns mentioned in this Resolution and during the hearing of this Resolution; and will, in the interim, consider an approval process which will not discriminate against schools which use their initiative and creative ideas to acquire computer equipment.

Your Committee has amended this Resolution to request that the Department of Education submit its findings and recommendations to the House Committee on Education no later than sixty days prior to the convening of the Regular Session of 1985.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 383, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 383, H.D. 1.

Signed by all members of the Committee.

SCRep. 901-84 Education on H.R. No. 323

The purpose of this resolution is to request the public schools of the State of Hawaii to dedicate the song "Eia Makou" to the State as a part of the Silver Jubilee Statehood celebration and arrange to have the song sung during the May Day programs at each school.

Your Committee finds that the song "Eia Makou", which translates into "Here we are the children of Hawaii" is an appropriate and symbolic song to have the children of Hawaii sing and dedicate to the Silver Jubilee Statehood celebration.

Your Committee has amended the title of this Resolution by deleting the colon after the word "song".

Your Committee on Education concurs with the intent and purpose of H.R. No. 323, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 323, H.D. 1.

Signed by all members of the Committee.

SCRep. 902-84 Education on H.R. No. 348

The purpose of this resolution is to declare the week of May 12 through 19, 1984, Hawaii Gifted and Talented Children's Week.

Your Committee finds that students demonstrating superior achievement in academic abilities, leadership capabilities, psychomotor abilities, or talent in the performing or visual arts are considered to be gifted and talented. Your Committee further finds that there is a need to enhance the public awareness of gifted and talented children in the schools.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 348 and recommends its adoption.

Signed by all members of the Committee except Representatives Albano, Hee and Ige.

SCRep. 903-84 Education and Human Services on H.R. No. 149

The purpose of this resolution is to instruct the Department of Education, in cooperation with voluntary agencies, to implement a plan of action to instruct high school students on preventative measures and the damaging impact of child abuse and spouse abuse.

The Child and Family Service Abuse Prevention and Education Center, and the Oahu Children's Protective Services Advisory Committee testified in support of this resolution.

Your Committees have amended this resolution to include the existing services and plans of the Department of Health and the Department of Social Services and Housing in the coordination and implementation of the plan of action. Accordingly, your Committees have amended the resolution to include the Department of Health

and the Department of Social Services and Housing in the coordination efforts. This would provide a clearer, more coordinated basis from which to design a program.

Your Committee has further amended this resolution by deleting "A Resolution" from the title of the resolution and has made various technical, non-substantive amendments.

Your Committees on Education and Human Services are in accord with the intent and purpose of H.R. No. 149, as amended herein, and recommend that it be adopted in the form attached hereto as H.R. No. 149, H.D. 1.

Signed by all members of the Committees except Representatives Baker, Chun, Nakasato and Jones.

SCRep. 904-84 Education and Employment Opportunities and Labor Relations on
H.R. No. 145

The purpose of this resolution is to request the Department of Education, in consultation with the Department of Labor and Industrial Relations, to report on (1) the current status of career and employment guidance programs in the public high schools; (2) any plans it may have to standardize the career and employment guidance programs in the high schools; and (3) whether or not it presently provides or will be providing any of the services that the Department of Labor and Industrial Relations has proposed to offer under the transition centers program.

The resolution further requests that the report address the issues of: (1) how the Department of Education plans to avoid an overlapping of efforts and responsibilities with the Department of Labor and Industrial Relations in the development and implementation of career and guidance programs in the high schools, especially if additional transition centers were to be established in schools where Career Resource Centers or Quick Kokua program do not now exist; (2) what the advantages and disadvantages are of having the Department of Education work in conjunction with the proposed network of Department of Labor and Industrial Relations administered transition centers; and (3) what changes would be necessary, with respect to staffing, resources, and physical plant requirements, should the transition center program expand to other high school sites.

Your Committees find that, in order to prevent the unnecessary duplication of career and employment guidance services to high school students in our public schools, there is a need to clarify and articulate the roles and responsibilities of the two agencies; namely, the Department of Education and the Department of Labor and Industrial Relations, who are currently involved in developing and implementing college, career, and employment guidance programs.

Your Committees on Education and Employment Opportunities and Labor Relations concur with the intent and purpose of H.R. No. 145 and recommend its adoption.

Signed by all members of the Committees except Representatives Hee, Anderson, Jones and Medeiros.

SCRep. 905-84 Education and Employment Opportunities and Labor Relations
on H.C.R. No. 62

The purpose of this concurrent resolution is to request the Department of Education, in consultation with the Department of Labor and Industrial Relations, to report on (1) the current status of career and employment guidance programs in the public high schools; (2) any plans it may have to standardize the career and employment guidance programs in the high schools; and (3) whether or not it presently provides or will be providing any of the services that the Department of Labor and Industrial Relations has proposed to offer under the transition centers program.

The concurrent resolution further requests that the report address the issues of: (1) how the Department of Education plans to avoid an overlapping of efforts and responsibilities with the Department of Labor and Industrial Relations in the development and implementation of career and guidance programs in the high schools, especially if additional transition centers were to be established in schools where Career Resource Centers or Quick Kokua programs do not now exist; (2)

what the advantages and disadvantages are of having the Department of Education work in conjunction with the proposed network of Department of Labor and Industrial Relations administered transition centers; and (3) what changes would be necessary, with respect to staffing, resources, and physical plant requirements, should the transition center program expand to other high school sites.

Your Committees find that, in order to prevent the unnecessary duplication of career and employment guidance services to high school students in our public schools, there is a need to clarify and articulate the roles and responsibilities of the two agencies; namely, the Department of Education and the Department of Labor and Industrial Relations, who are currently involved in developing and implementing college, career, and employment guidance programs.

Your Committees on Education and Employment Opportunities and Labor Relations concur with the intent and purpose of H.C.R. No. 62 and recommend its adoption.

Signed by all members of the Committee except Representatives Hayes, Levin, Anderson and Medeiros.

SCRep. 906-84 Public Employment and Government Operations on S.C.R. No.
72

The purpose of this concurrent resolution is to approve the report of the biennial review of the Compensation Plans of the State, Judiciary, and Counties by the Conference of Personnel Directors and the Public Employees Compensation Appeals Board, including the cost of any adjustments effective July 1, 1984, in accordance with Sections 77-4 and 77-5, Hawaii Revised Statutes. The report was submitted to the Legislature on January 10, 1984 through the Office of the Governor.

According to testimony presented to your Committee by the Department of Personnel Services and the Hawaii Government Employees Association, the review of the Compensation Plans has been conducted since 1961, first on an annual basis and then on a biennial basis from 1963. In the current review, the pricing relationships of all classes in the State, Judiciary, and several counties were examined with special attention to secretarial classes and professional hospital support classes.

Your Committee finds that upon legislative adoption of this resolution and the appropriation of funds in the supplemental budget for this purpose, the pay adjustments, as adopted by the Public Employees Compensation Appeals Board, will be implemented by the State and counties effective July 1, 1984.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of S.C.R. No. 72 and recommends its adoption.

Signed by all members of the Committee except Representatives Hayes and Yoshimura.

SCRep. 907-84 Tourism on S.C.R. No. 71

The purpose of this concurrent resolution is to request the Hawaii State Legislature's support for the Australian Federation of Travel Agents Convention at Keauhou-Kona, Hawaii, by extending Aloha and Welcome.

The Australian Federation of Travel Agents is celebrating its 28th Annual Convention and for the first time on American soil, bestowing a confidence on Hawaii's travel industry that has worldwide significance.

The 1,200 delegates expected at the convention will be joined by additional travel industry members from the State of Hawaii, from all over the United States, and other parts of the world.

The Mayor of Hawaii County submitted a formal convention bid in 1982 on behalf of a bid-organizing committee which included representatives of the Hawaii Visitors Bureau, Inter-Island Resorts, and the Keauhou-Kona Resort Association. Representatives from Aloha Airlines, Gray Line Hawaii, and Bishop Corporation were added to create the Hawaii 1985 Organizing Committee.

At least 17 separate corporate sponsors from Hawaii as well as from other parts of the United States and the world are being secured to host individual convention functions.

Your Committee has amended this concurrent resolution by correcting grammatical and technical errors. The changes have no substantive effect. Also, a certified copy of this concurrent resolution will be transmitted to Mr. William N. Fisher, Consul General of the Australian Consulate.

Your Committee on Tourism concurs with the intent and purpose of S.C.R. No. 71, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 71, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 908-84 Transportation and Agriculture on H.R. No. 356

The purpose of this resolution is to urge the Department of Transportation to maintain a wharfage fee schedule which encourages the growth of the local agriculture industry.

Your Committees heard testimony favoring this resolution from the University of Hawaii College of Tropical Agriculture, Dole, Hawaii Division, and the State Department of Transportation and learned that in an effort to assist the agricultural industry, the Department of Transportation recently decreased its wharfage rates on fresh agricultural products. However, your Committees find that Hawaii's agricultural industry continues to be fragile and needs to be further nurtured in order to facilitate further development.

Your Committees on Transportation and Agriculture concur with the intent and purpose of H.R. No. 356 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 909-84 Water, Land Use, Development and Hawaiian Affairs on
S.C.R. No. 51

The purpose of this concurrent resolution is to request that the Board of Land and Natural Resources place a moratorium on any testing, development, and construction in the Ahupua'a of Kahana which may conflict with and intrude on the development of the cultural living park.

In the late 1960s, the Ahupua'a of Kahana was purchased by the State for the purpose of creating a State park. Since the purchase, the Legislature has on several occasions expressed its intent that the Ahupua'a of Kahana be developed as a cultural living park. In addition, both the State administration and the Board of Land and Natural Resources have adopted the concept of a cultural living park for the Ahupua'a of Kahana.

The Department of Land and Natural Resources' testimony expressed the position that the principal use of the Valley should remain in recreational use as originally intended. Any other use of the Valley should be allowed only if the impact and intrusion of the project proposal does not unduly compromise the intended recreational use of the Valley. In planning for the development of Kahana Valley, the Department's course of action will be guided by the Legislature.

There was testimony that the Department had been making great progress recently in coordination with public persons and community organizations in the setting up of a Kahana Advisory Board. This Board, mandated by the 1978 Kahana Environmental Impact Statement, will be established shortly and will be responsible for recommending a master development plan for Kahana Valley State Park. Upon approval of a master development plan by the Board of Land and Natural Resources, development of the park can begin for the good of all the citizens of Hawaii.

There was support for the concurrent resolution's call for a moratorium on non-park use of Kahana Valley's resources until a master plan can be completed, that the use of such resources may be considered and discussed once park plans

are finalized and it is known what surplus resources are available for other public uses.

Testimony was also received supporting the moratorium so that supporters of the park development would not "be distracted with non-park developments which hurt the resources of the valley and bay and can restrict any future park development".

Testimony was also received that the Kaaawa Community Association and the Koolauloa Neighborhood Board, both of which encompass Kahana Valley, have voted unanimously to support the moratorium. It was noted that the current version of the concurrent resolution was a compromise draft which had been accepted by all parties.

Your Committee is concerned that park planning has been so long delayed and that the master plan for Kahana Valley be developed and approved by the Department of Land and Natural Resources with all due haste.

Your Committee does not intend, by recommending adoption of this concurrent resolution, to imply that the pending application by the Board of Water Supply for a permit to construct a reservoir should be held in abeyance. The moratorium addresses the construction phase of the project.

Your Committee has amended this concurrent resolution to specify that the moratorium would stay in effect until the park master plan is completed and discussions on the use of surplus resources completed, or December 31, 1985, whichever occurs first.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of S.C.R. No. 51, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 51, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 910-84 Water, Land Use, Development and Hawaiian Affairs on
H.R. No. 380

The purpose of this resolution is to request the U.S. Department of the Navy to discontinue the use of Kaho'olawe as a RIMPAC bombing target in 1984 and thereafter.

Your Committee finds that the State of Hawaii has already expressed its opposition to the use of Kaho'olawe as a bombing target by the U.S. Navy and RIMPAC participants. Similar opposition has come from the County of Maui. Former RIMPAC participants, such as Australia and New Zealand, have already chosen to discontinue their participation in the RIMPAC bombing exercises of Kaho'olawe. Your Committee is of the opinion that repeated opposition should be voiced, as specified in this resolution.

Your Committee recommends a substantive amendment in the final "BE IT FURTHER RESOLVED" clause, by deleting reference to the Heads of State of Australia, New Zealand, Canada, Japan, and France. Your Committee is of the opinion that it is unnecessary to have certified copies of this resolution transmitted to them.

Technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting resolutions, have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 380, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 380, H.D. 1.

Signed by all members of the Committee.

SCRep. 911-84 Water, Land Use, Development and Hawaiian Affairs on H.R.
No. 370

The purpose of this resolution is to request the International Olympic Committee, the U.S. Olympic Committee, and the International Olympic Organizing Committee to recognize surfing and Polynesian canoeing as competitive events in the Olympic Games.

Your Committee finds that the International Olympic Committee should consider surfing and Polynesian canoeing as potential entries as competitive events in the Olympic Games, and is of the opinion that these two sports are athletic events most deserving of Olympic Games stature.

Technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting resolutions, have been made.

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 its adoption in the form attached hereto as H.R. No. 370, H.D. 1.

Signed by all members of the Committee.

SCRep. 912-84 Water, Land Use, Development and Hawaiian Affairs on
H.C.R. No. 141

The purpose of this concurrent resolution is to request the International Olympic Committee, the U.S. Olympic Committee, and the International Olympic Organizing Committee to recognize surfing and Polynesian canoeing as competitive events in the Olympic Games.

Your Committee finds that the International Olympic Committee should consider surfing and Polynesian canoeing as potential entries as competitive events in the Olympic Games, and is of the opinion that these two sports are athletic events most deserving of Olympic Games stature.

Technical and non-substantive amendments, as well as changes in style in conformance with standard format in drafting concurrent resolutions, have been made.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 141, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 141, H.D. 1.

Signed by all members of the Committee.

SCRep. 913-84 Agriculture on H.R. No. 29

The purpose of this resolution is to request that the House Committee on Agriculture review the reports on Phases I and II of Statewide Agricultural Park Action Plan, and the laws affecting agricultural parks, and submit a report of its findings and recommendations for legislative action to the Legislature prior to the adjournment of the Regular Session of 1984.

The reports on Phase I (Program Assessment) and Phase II (Implementation Program) of Statewide Agricultural Park Action Plan propose revisions in agricultural park program administration, identify suitable sites for future agricultural park development, and respond to resolutions of the 1982 Legislature regarding agricultural park issues. Although several of the recommendations put forth in the reports refer to a need for legislative action or response, concise delineation of such actions and responses has been left to determination by the legislature.

Unfortunately, the Phase II report was not transmitted to the Legislature until late in March 1984, and thus your Committee finds the time remaining prior to the adjournment of the Regular Session of 1984 insufficient to allow a thorough review of the reports on Phases I and II of Statewide Agricultural Park Action Plan and of the laws pertaining to agricultural parks, and formulation of recommendations for legislative action. Your Committee has therefore amended this resolution to request that the House Committee on Agriculture conduct such a thorough review, and submit to the Legislature a report of the Committee's findings and recommendations for legislative action, prior to the convening of the Regular Session of 1985.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 29, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 29, H.D. 1.

Signed by all members of the Committee.

SCRep. 914-84 Agriculture on H.R. No. 292

The purpose of this resolution is to urge the United States Secretary of Agriculture to revise the quota on imported sugar downward.

Your Committee heard testimony from the State Board of Agriculture, the Hawaiian Sugar Planters' Association, and the ILWU Local 142 supporting this measure's intent to prevent severe dislocations in the domestic sugar industry.

Your Committee finds that the U.S. Department of Agriculture announced on March 16, 1984 a 100,000 ton increase in foreign sugar quotas. In light of this announcement, your Committee does not expect that the U.S. Secretary of Agriculture would be inclined to revise sugar import quotas downward at this time. Your Committee therefore finds that it would be more appropriate to urge the U.S. Secretary of Agriculture not to further increase the quota on imported sugar, and has accordingly amended the first "BE IT RESOLVED" clause of this resolution.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 292, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 292, H.D. 1.

Signed by all members of the Committee.

SCRep. 915-84 Consumer Protection and Commerce on H.R. No. 326

The purpose of this resolution is the following: that the Real Estate Commission, with the assistance of the Hawaii Hotel Association, the Hawaii Association of Realtors, and other interested parties, is requested to study methods to clarify the exemption of traditional hotel operations from real estate licensing requirements; that the Real Estate Commission submit its findings and recommendations to the Legislature 20 days prior to the convening of the 1985 session; and the Real Estate Commission defer efforts to license any type of hotel operations until the Commission's findings are reviewed by the Legislature.

Although the Real Estate Commission testified in support of this resolution, the Commission did express concern as to the provision wherein the Commission would defer efforts to license any type of hotel operation until the Commission's findings and recommendations are reviewed by the Legislature. The Commission believes that there should be safeguards to protect the consumer during this interim period while this study is being conducted. Conversely, by asking the Commission to defer efforts to license "any type of hotel operation", individuals could escape the real estate license law by claiming to be a hotel type operation.

Your Committee, upon further consideration, has amended the resolution by deleting the following provision:

"BE IT FURTHER RESOLVED that the Real Estate Commission defer efforts to license any type of hotel operations until the Commission's findings are reviewed by the Legislature; and"

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 326, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 326, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 916-84 Consumer Protection and Commerce on H.C.R. No. 128

The purpose of this concurrent resolution is the following: that the Real Estate Commission, with the assistance of the Hawaii Hotel Association, the Hawaii Association of Realtors, and other interested parties, is requested to study methods to clarify the exemption of traditional hotel operations from real estate

licensing requirements; that the Real Estate Commission submit its findings and recommendations to the Legislature 20 days prior to the convening of the 1985 session; and the Real Estate Commission defer efforts to license any type of hotel operations until the Commission's findings are reviewed by the Legislature.

Although the Real Estate Commission testified in support of this concurrent resolution, the Commission did express concern as to the provision wherein the Commission would defer efforts to license any type of hotel operation until the Commission's findings and recommendations are reviewed by the Legislature. The Commission believes that there should be safeguards to protect the consumer during this interim period while this study is being conducted. Conversely, by asking the Commission to defer efforts to license "any type of hotel operation", individuals could escape the real estate license law by claiming to be a hotel type operation.

Your Committee, upon further consideration, has amended the concurrent resolution by deleting the following provision:

"BE IT FURTHER RESOLVED that the Real Estate Commission defer efforts to license any type of hotel operations until the Commission's findings are reviewed by the Legislature; and"

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 128, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 128, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 917-84 Employment Opportunities and Labor Relations on H.R. No. 387

The purpose of this resolution is to recognize the Computer and Business Equipment Manufacturers Association (CBEMA) for their voluntary educational efforts in promoting the proper use of Video Display Terminals, and to urge CBEMA and other groups to continue expansion of such voluntary educational efforts.

Your Committee finds that Video Display Terminals (VDTs) have become widespread in their use nationwide, and that as their use increases it is important that users be adequately informed about the various aspects of VDTs and their use. CBEMA, through voluntary educational efforts, has been working to disseminate information about the proper installation of VDTs, as well as information about the health, safety, and comfort aspects of VDT use.

Testimony in support of this Resolution was submitted by the Department of Labor and Industrial Relations; the Department believes that such a voluntary initiative may reduce or obviate the need for government regulation.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 387, and recommends its adoption.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 918-84 Judiciary on H.R. No. 365

The purpose of this resolution is to reaffirm the commitment of the House of Representatives to equal access to justice, and to recognize and express support for the non-profit public interest law programs. Further, the Hawaii Bar is strongly urged to support existing programs and encourage innovative approaches in the provision of access to legal services for the poor and advocacy in the public interest.

Your Committee has held a public hearing on this resolution and has received written and oral testimony in support of the resolution from the Legal Aid Society of Hawaii, Hawaii Lawyers Care, the Native Hawaiian Legal Corporation, Hawaii's Thousand Friends, and Na Loio No Na Kanaka--The Lawyers for the People of Hawaii. In addition, the President of the Hawaii State Bar Association expressed support for the resolution.

Your Committee finds:

- 1) Access to legal services to the poor and advocacy in the public interest are essential if the rights, benefits, protections and obligations provided for by law are to be enforced equally among all persons in the State; and
- 2) There is a pressing need for access to the justice system for the poor; and
- 3) The legal profession, in its Code of Professional Responsibility, has recognized the obligation of every lawyer to provide legal services to the disadvantaged and, where individual efforts cannot meet the need, to support legal services programs; and
- 4) Those who staff public interest law programs, notoriously overworked and underpaid, have through their commitment to the community made significant contributions, yet have received little positive recognition for their efforts.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 365 and recommends its adoption.

Signed by all members of the Committee except Representative Baker.

SCRep. 919-84 Judiciary on H.C.R. No. 140

The purpose of this concurrent resolution is to reaffirm the commitment of the House of Representatives, Senate concurring, to equal access to justice, and to recognize and express support for the non-profit public interest law programs. Further, the Hawaii Bar is strongly urged to support existing programs and encourage innovative approaches in the provision of access to legal services for the poor and advocacy in the public interest.

Your Committee has held a public hearing on this concurrent resolution and has received written and oral testimony in support of the concurrent resolution from the Legal Aid Society of Hawaii, Hawaii Lawyers Care, the Native Hawaiian Legal Corporation, Hawaii's Thousand Friends, and Na Loio No Na Kanaka--The Lawyers for the People of Hawaii. In addition, the President of the Hawaii State Bar Association expressed support for the concurrent resolution.

Your Committee finds:

- 1) Access to legal services to the poor and advocacy in the public interest are essential if the rights, benefits, protections and obligations provided for by law are to be enforced equally among all persons in the State; and
- 2) There is a pressing need for access to the justice system for the poor; and
- 3) The legal profession, in its Code of Professional Responsibility, has recognized the obligation of every lawyer to provide legal services to the disadvantaged and, where individual efforts cannot meet the need, to support legal services programs; and
- 4) Those who staff public interest law programs, notoriously overworked and underpaid, have through their commitment to the community made significant contributions, yet have received little positive recognition for their efforts.

Your Committee on Judiciary 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 Baker.

SCRep. 920-84 Judiciary on H.R. No. 316

The purpose of this resolution is to recognize the week of April 29--May 5, 1984, as LAW WEEK 1984, and have the legislature urge the citizens of Hawaii to join in the various activities scheduled in observance of this occasion.

Your Committee has heard the testimony in support of this resolution from David L. Fairbanks, President of Hawaii State Bar Association; Angie King, Chairperson

of the Law Week Committee, Hawaii State Bar Association; and Renji Goto, Director of the Executive Office on Aging.

Your Committee finds that it is important to recognize the week of April 29--May 5, 1984 as LAW WEEK 1984, since it is desirable for every citizen of this State to understand and appreciate the principles and practices of American law and justice.

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 except Representative Baker.

SCRep. 921-84 Judiciary on H.C.R. No. 124

The purpose of this concurrent resolution is to recognize the week of April 29--May 5, 1984, as LAW WEEK 1984, and have the legislature urge the citizens of Hawaii to join in the various activities scheduled in observance of this occasion.

Your Committee has heard the testimony in support of this concurrent resolution from David L. Fairbanks, President of Hawaii State Bar Association; Angie King, Chairperson of the Law Week Committee, Hawaii State Bar Association; and Renji Goto, Director of the Executive Office on Aging.

Your Committee finds that it is important to recognize the week of April 29--May 5, 1984 as LAW WEEK 1984, since it is desirable for every citizen of this State to understand and appreciate the principles and practices of American law and justice.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 124 and recommends its adoption.

Signed by all members of the Committee except Representative Baker.

SCRep. 922-84 Higher Education and the Arts on H.R. No. 320

The purpose of this resolution is to ensure that students throughout the University of Hawaii system are afforded comprehensive protection of their due process rights. To assure that university students possess these rights, this resolution urges the Chancellors within the University of Hawaii system, in conjunction with representatives from the university student body, to develop the implement revisions in the university Academic Grievance Procedures and Student Conduct Code during the Fall 1984 Academic Semester.

Recently, a system-wide university Student Conduct Code was implemented to protect university students from inequitable treatment which might result from differing disciplinary procedures throughout the university system. Included in the Code are provisions which protect university students when the university charges a student with a disciplinary infraction.

Your Committee has been apprised, however, that Academic Grievance Procedures, whereby students challenge the academic judgment and actions of university faculty members, vary from campus to campus. Your Committee is concerned the possibility exists that inequitable treatment may result because of differing student grievance procedures.

Your Committee has heard testimony in support of this resolution from several university students and the parent of a former university student. All expressed strong concern about the adequacy of existing Academic Grievance Procedures throughout the university system, especially at the community colleges and professional schools such as the university law and medical schools.

Your Committee is pleased to know that the university, according to the university Student Affairs Program and Policy Officer, is currently reviewing existing Academic Grievance Procedures and intends to "issue general systematic guidelines that will spell out those preferred features that should be incorporated in the academic grievance procedure of each campus."

Your Committee has amended the first "WHEREAS" paragraph on page 3 to read:

WHEREAS, adding these procedural safeguards to the University of Hawaii system and the community colleges, would clearly delineate the rules to be followed and provide uniformity throughout the University and community college system, enhancing efficiency and justice; and"

Your Committee believes the University Board of Regents, as the university's policy-making body, should participate in the development and implementation of revisions to the Academic Grievance Procedures and Student Conduct Code. Further, because university Deans of the various university colleges and schools function as the administrators of the Board's policies, your Committee believes it is advantageous to include these Deans in the revision process of the Academic Grievance Procedures and Student Conduct Code.

To implement these recommendations, your Committee has amended the "BE IT RESOLVED" paragraph on page 3 to read:

"BE IT RESOLVED by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, that the Board of Regents of the University of Hawaii be urged to develop and implement revisions to the Academic Grievance Procedures and Student Conduct Code that will apply to all colleges, professional schools and community colleges in the University of Hawaii system."

For consistency, your Committee has amended the "BE IT FURTHER RESOLVED" paragraph on page 3 to include the Deans of the various university schools and colleges as recipients of certified copies of this resolution.

For purposes of readability, clarity, form and grammatical accuracy, your Committee has further amended this resolution in various places. Specifically, your Committee has amended "WHEREAS" paragraphs 2 and 7 on page 1 and the "BE IT FURTHER RESOLVED" paragraph on page 3. Further, your Committee has added a "WHEREAS" paragraph to page 2.

Your Committee on Higher Education and the Arts is in accord with the intent and purpose of H.R. No. 320, as amended herein, and recommends that it be adopted in the form attached hereto as H.R. No. 320, H.D. 1.

Signed by all members of the Committee.

SCRep. 923-84 Higher Education and the Arts on H.C.R. No. 125

The purpose of this concurrent resolution is to ensure that students throughout the University of Hawaii system are afforded comprehensive safeguards to procedural and substantive due process and fairness. To assure that university students possess these rights of due process and fairness, this concurrent resolution urges the Chancellors within the University of Hawaii system, in conjunction with representatives from the university student body, to develop and implement revision in the university Academic Grievance Procedures and Student Conduct Code during the Fall 1984 Academic Semester.

Recently, a system-wide university Student Conduct Code was implemented to protect university students from inequitable treatment which might result from differing disciplinary procedures throughout the university system. Included in the Code are provisions which protect university students when the university charges a student with a disciplinary infraction.

Your Committee has been apprised, however, that Academic Grievance Procedures, whereby students challenge the academic judgment and actions of university faculty members, vary from campus to campus. Your Committee is concerned the possibility exists that inequitable treatment may result because of differing student procedures.

Your Committee has heard testimony in support of this resolution from several university students and the parent of a former university student. All expressed strong concern about the adequacy of existing Academic Grievance Procedures throughout the university system, especially at the community colleges and professional schools such as the university law and medical schools.

Your Committee is pleased to know that the university, according to the university Student Affairs Program and Policy Officer, is currently reviewing existing

Academic Grievance Procedures and intends to "issue general systematic guidelines that will spell out those preferred features that should be incorporated in the academic grievance procedure of each campus."

Your Committee has amended the first "WHEREAS" paragraph on page 3 to read:

"WHEREAS, adding these procedural safeguards to the University of Hawaii system and the community colleges, would clearly delineate the rules to be followed and provide uniformity throughout the University and community college system, enhancing efficiency and justice; and"

Your Committee believes the university Board of Regents, as the university's policy-making body, should participate in the development and implementation of revisions to the Academic Grievance Procedures and Student Conduct Code. Further, because the university Deans of the various university colleges and schools function as the administrators of the Board's policies, your Committee believes it is advantageous to include these Deans in the revision process of the Academic Grievance Procedures and Student Conduct Code.

To implement these recommendations, your Committee has amended the "BE IT RESOLVED" paragraph on page 3 to read:

"BE IT RESOLVED by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, the Senate concurring, that the Board of Regents of the University of Hawaii be urged to develop and implement revisions to the Academic Grievance Procedures and Student Conduct Code that will apply to all colleges, professional schools and community colleges in the University of Hawaii system."

For purposes of readability, clarity, form and grammatical accuracy, your Committee has further amended this concurrent resolution in various places. Specifically, your Committee has amended "WHEREAS" paragraphs 2 and 7 on page 1 and the "BE IT FURTHER RESOLVED" paragraph on page 3. Further, your Committee has added a "WHEREAS" paragraphs to page 2.

Your Committee on Higher Education and the Arts is in accord with the intent and purpose of H.C.R. No. 125, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 125, H.D. 1.

Signed by all members of the Committee.

SCRep. 924-84 Higher Education and the Arts on H.R. No. 293

The purpose of this resolution is to request that the Attorney General of the State of California and the Superior Court of the County of Los Angeles grant a special hyperbaric chamber to the Hyperbaric Treatment Center (HTC), John A. Burns School of Medicine, University of Hawaii, through the University of Hawaii Foundation.

On June 1, 1983, the United States Navy recompression facility at Pearl Harbor Submarine Base terminated all civilian support, thereby transferring the sole responsibility of hyperbaric treatment of all persons, including military personnel to the HTC.

Your Committee has heard testimony that due to the lack of a larger hyperbaric chamber at HTC, the full benefits of hyperbaric treatment have not yet been fully realized in this State. Your Committee finds that a larger hyperbaric chamber has been identified and located within the State of California. However, said chamber is the subject of litigation in the Superior Court of the County of Los Angeles, State of California, awaiting disposition to a presently undetermined, nonprofit, charitable organization.

It was pointed out to your Committee that the University of Hawaii Foundation is a qualified, nonprofit, charitable organization, fully eligible and capable of receiving said chamber.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 293 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 925-84 Human Services and Health on H.R. No. 335

The purpose of this resolution is to encourage the health care community, including the School of Nursing of the University of Hawaii, to increase the use of geriatric nurse practitioners in Hawaii.

Your Committees find that there exists a lack of personnel with special interest and training in geriatric care and that encouragement of the use of geriatric nurse practitioners would help improve health and medical services to the elderly. Your Committees further find that the School of Nursing of the University of Hawaii lacks a formal geriatric nurse practitioner program although, through its Masters Degree program, the school has assisted one registered nurse in acquiring her geriatric nurse practitioner certificate.

Your Committees find that the phrase, "accident and sickness" of the third "Be It Resolved" clause incorrectly implies that aging is an illness or a pathological condition. Your Committees have amended this resolution by deleting the phrase.

Your Committees have further amended this resolution by requesting the School of Nursing submit a report of its findings and recommendations to the Legislature prior to the convening of the Regular Session of 1985.

Your Committees on Human Services and Health concur with the intent and purpose of H.R. No. 335, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 335, H.D. 1.

Signed by all members of the Committees except Representative Baker.

SCRep. 926-84 Human Services and Employment Opportunities and Labor Relations on H.R. No. 227

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 Committees on Human Services and Employment Opportunities and Labor Relations concur with the intent and purpose of H.R. No. 227 and recommends its adoption.

Signed by all members of the Committee except Representative Baker.

SCRep. 927-84 Finance on H.R. No. 311

The purpose of this Resolution is to have the Board of Education submit its plans for the education of the children of the Niihau Island community.

The people of the Island of Niihau live in a cultural milieu unique amongst those communities which comprise the State of Hawaii. This uniqueness is found in the native Hawaiian culture which is predominant in this community.

Your Committee believes that our country's forefathers intended that local community standards be maintained in the construction of our nation and that it is desirable for the people of Niihau to continue to foster their native Hawaiian language and culture. However, at the same time, your Committee recognizes that it is imperative that those who wish to transgress into the dominant "Americanized" culture of this State be given full opportunity to do so.

While your Committee recognizes that legislation attempting to address this problem was introduced into this session of the Legislature, it is concerned that the Department of Education have available detailed plans for the implementation of

such a program before statutory and budgetary changes are initiated and considered.

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.

SCRep. 928-84 Finance on H.R. No. 180

The purpose of this Resolution is to request the Family Court to study and implement mediation in child custody cases and to report its findings and recommendations to the Legislature twenty days prior to the convening of the Regular Session of 1985.

As society becomes more complex, so do the roles of parents. Child care responsibilities are increasingly being shared by both parents. There are numerous cases that, when marriages fail, both parents are willing and capable of caring for their children. The Family Court is finding it increasingly difficult to determine which parent should be the custodial parent. Consequently, joint custody becomes the alternative to this situation. Yet, the Family Court may be unable to determine the best and most effective arrangements for a child subject to joint custody.

Your Committee finds that mediation is currently used to solve some custodial disputes. Mediation allows parents to communicate their concerns in an unthreatening atmosphere conducive to open and free discussion. Furthermore, custody arrangements that are designed and mutually agreed to show a higher potential for success.

Your Committee suggests that the Family Court convene an ad-hoc committee to conduct this study. The committee would be comprised of members from the Neighborhood Justice Center, the Hawaii Bar Association, the University of Hawaii, as well as other individuals who have expertise in the implementation of mediation.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 180, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 929-84 Finance on H.R. No. 7

The purpose of this Resolution is to request the University of Hawaii Sea Grant College Program to conduct a comprehensive study of Hawaiian Fisheries and the Director of the Sea Grant College Program to submit a progress report on the study thirty days prior to the convening of the Regular Session of 1985; further, the Hawaii Fisheries Coordinating Council is to monitor the progress of the study.

Your Committee finds that the Department of Land and Natural Resources is updating the comprehensive 1979 Hawaii Fisheries Development Plan. The Plan was designed to offer direction for the State's optimal utilization of its fisheries resources. New information and developments, relating to Hawaii fisheries, have necessitated updating.

The Sea Grant College Program at the University of Hawaii (UH) provides partial funding for projects relating to fishery. The Program is a unit of the federal National Oceanic and Atmospheric Administration, Department of Commerce, which provides federal funding to marine-related research at the UH. The Sea Grant College Program can provide assistance and expertise to the updating efforts, based upon its funding and history of assistance.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 7 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 930-84 Finance on H.R. No. 102

The purpose of this Resolution is to request the Governor of Hawaii to appoint and fund a State Commission for the Preservation of Fort DeRussy, including a position of a paid executive director, to save Fort DeRussy from commercial development. The Commission will decide on appropriate strategies, monitor developments affecting Fort DeRussy, work with Hawaii's Congressional delegation, and effectuate a major lobbying effort.

Your Committee finds that there is an immediate need to preserve Fort DeRussy as open space for public recreational uses. Retention of Fort DeRussy in open space recreational use will clearly serve the interests of the State's visitor industry and of Hawaii's public.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 102, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 931-84 Finance on H.R. No. 396

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study and make recommendations on the transference of all school health services related activities from the Department of Health to the Department of Education.

Your Committee is aware that currently, the Department of Health and the Department of Education jointly provide for school health services. However, your Committee is concerned that this bifurcated system of providing school health services is the source of a great deal of confusion to the public when dealing with health and medical concerns involving children. Therefore, we believe that housing this function under one administrative roof will, at least, reduce the bureaucratic subterfuge experienced by many members of the public in dealing with school health problems and concerns.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 396, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 932-84 Finance on H.R. No. 395

The purpose of this resolution is to require a feasibility study on the establishment of intermediate nursing facilities for the care of severely multiply handicapped children. This study is to be a cooperative effort of the Department of Education and the Department of Health.

Your Committee is concerned that the care of the severely multiply handicapped children be addressed primarily as a health problem. While we do not deny the need for educational services to this group of children, we are more concerned that their health needs take precedence and require considerably more attention during the course of the school day.

Your Committee is further concerned that, in complying with P.L. 94-142, the State has exhibited more than fair effort. The State's share of educational costs has amounted to 90 per cent of the funds budgeted for special education and 100 per cent of funds budgeted for the State's School Health Services Branch comes from the State's general fund. We find this lack of federal assistance in meeting the mandates of the federal government to be unjust. Your Committee, therefore, believes that it is time for the State to step back and assess its position in addressing this serious, albeit costly, problem.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 395 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 933-84 Finance on H.R. No. 349

The purpose of this Resolution is to have the Board of Education revise upwards the Department of Education's compensation schedule for coaches.

Your Committee finds that public school coaches throughout the State devote hundreds of hours beyond their regular classroom working hours to maintain the excellent athletic programs that are present in our schools. The compensation schedule for coaches has not been substantially revised since 1968 and the coaches' salaries have not kept pace with the inflated cost of living and have not reflected this increase in workload.

Your Committee on Finance concurs with the intent and purpose of H.R. no. 349 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 934-84 Finance on H.R. No. 309

The purpose of this Resolution is to urge reconsideration of the policy of a ten-year age limit on the operation of conventional school buses which is imposed by the Department of Accounting and General Services.

While safety is the overriding concern in all matters relating to the transportation of school children, the uniform ten-year age limitation standard, adopted by the Department of Accounting and General Services in 1972, was instituted primarily to provide uniformity in securing school bus contracts and in response to specific complaints over the quality of a few school buses.

However, the operational and passenger comfort quality of a school bus depends more on proper and periodic maintenance and repair than on the mere passage of a set period of time. With proper maintenance, the safe and useful life of a school bus can easily exceed the ten-year limitation currently imposed. To remove an otherwise safe and operable school bus from operation only because it has exceeded the ten-year age limit places an onerous, and often unnecessary, burden upon school bus operators. Therefore, it is the opinion of your Committee that the continued use of school buses should be determined primarily by the mechanical and operational condition of the vehicle and not by age alone.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 309, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 935-84 Finance on H.R. No. 246

The purpose of this Resolution is to request the Legislative Reference Bureau to conduct a study of the contribution of the federal aviation industry to the economy of Hawaii, including, but not limited to, tax revenues to the State, revenues to the airport system, businesses and jobs created to serve general aviation, and its contribution to the State in terms of health and welfare. It is a further purpose of this Resolution to request, if it is found that general aviation does contribute to the State, the State Department of Transportation to encourage the growth of general aviation at Honolulu International Airport, until such time as an adequate reliever airport is constructed.

It is important for the Legislature to have a current, accurate understanding of the general aviation industry in Hawaii. Your Committee finds that the study called for in this Resolution will provide valuable information upon which it can base decisions relating to general aviation and general aviation facilities.

Your Committee believes that the Legislative Reference Bureau could be aided considerably in its study by tapping the local general aviation industry for background information necessary for the report called for in this Resolution. Consultation with the Experimental Aircraft Association and the General Aviation Council of Hawaii is suggested by your Committee.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 246, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 936-84 Finance on H.R. No. 240

The purpose of this House Resolution is to request the State Department of Transportation to investigate immediately the problem of traffic congestion on the Waipahu on-ramp to the Honolulu-bound H-1 freeway where traffic from Kamehameha Highway merges with traffic from Farrington Highway, and to determine traffic flow adjustments that may be made to alleviate the problem. Its further purpose is to request the Department to take action to alleviate the problem as soon as practicable.

Your Committee finds that the present traffic problem at the Waipahu on-ramp to the Honolulu-bound H-1 freeway is serious and getting worse. It further finds that the State Department of Transportation is the appropriate agency to investigate the problem and to take steps to alleviate it.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 240 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 937-84 Finance on H.R. No. 218

The purpose of this resolution is to request that the Department of Health and the Department of Planning and Economic Development conduct a baseline health survey of the Volcano community.

Your Committee finds that residents of the Volcano area in Puna are not included in a current Department of Health survey of the possible health effects of volcanic and geothermal energy plant emissions of which hydrogen sulfide is the principal pollutant. This study, funded through a federal grant obtained by the Department of Planning and Economic Development and allotted to the Department of Health, is in the final stages of completion.

Your Committee finds that any study of the effects of human exposure to low concentrations of hydrogen sulfide on the Big Island should study both volcanic and geothermal energy plant emissions. Your Committee feels that the regular exposure of the Volcano community to both natural occurring volcanic emissions and, in the future, to possible geothermal development emissions merits a health survey of this community.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 218, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 938-84 Finance on H.R. No. 215

The purpose of this Resolution is to urge the Department of Land and Natural Resources to expedite State acquisition of the remaining portion of the Nike Access Road, less than two miles in length, thereby creating a public access between Farrington Highway and the Mokuleia Forest Reserve.

There is much interest in having the State acquire that portion of the Nike Access Road which is owned by Northwestern Mutual Life Insurance Company of Milwaukee. The Department of Land and Natural Resources is already in the process of discussing and negotiating with affected parties to acquire the remaining portion of the road. Your Committee agrees that the Department should continue to expedite its efforts in achieving the goal of acquiring that portion of the road.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 215, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 939-84 Finance on H.R. No. 206

The purpose of this measure is to request that the Mayor of the County of Hawaii and the Chairperson of the Hawaii County Council assemble an Economic Transition Team to investigate, develop, and endorse an integrated plan of action to assist those residents directly affected by the closing of the Puna Sugar Company in finding and securing employment opportunities.

Your Committee believes that, given the complexity of the problem faced by the Puna residents, coordination among the many parties involved in employment, business, land, and social welfare matters and the future of the Puna district is of the highest priority. A clear and directed approach to dealing with Puna's problems and opportunities must be worked out before any substantial assistance, financial or otherwise, can wisely be offered. Your Committee is also of the opinion that regional or island specific factors involved in both creating and resolving this problem necessitate a county initiated and coordinated effort.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 206 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 940-84 Finance on H.C.R. No. 84

The purpose of this Concurrent Resolution is to request that the Mayor of the County of Hawaii and the Chairperson of the Hawaii County Council assemble an Economic Transition Team to investigate, develop, and endorse an integrated plan of action to assist those residents directly affected by the closing of the Puna Sugar Company in finding and securing employment opportunities.

Your Committee believes that, given the complexity of the problem faced by the Puna residents, coordination among the many parties involved in employment, business, land, and social welfare matters and the future of the Puna district is of the highest priority. A clear and directed approach to dealing with Puna's problems and opportunities must be worked out before any substantial assistance, financial or otherwise, can wisely be offered. Your Committee is also of the opinion that regional or island specific factors involved in both creating and resolving this problem necessitate a county initiated and coordinated effort.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 84 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 941-84 Finance on H.R. No. 195

The purpose of this House Resolution is: (1) to request the State Department of Personnel Services to study the impact of staggered work hours for state employees and to promote the concept of staggered work hours for state employees; and (2) to have the Department of Personnel Services examine the potential effects of staggering the hours of public schools.

Your Committee finds that staggering of work hours will have a desirable effect on worker productivity and morale and may also assuage traffic congestion problems in the State. Your Committee therefore favors a study to assess the efforts which have been taken by State departments to stagger hours.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 195, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 942-84 Finance on H.R. No. 174

The Department of Social Services and Housing, and the University of Hawaii are requested to conduct a detailed study and propose an action plan for the transfer of the administration and function of the Social Rehabilitation of Confined Adults (UOH 859) program from the University of Hawaii to the Department of Social Services and Housing.

In recent years two major recurring problems have affected the Social Rehabilitation of Confined Adults program which are as follows:

- (1) Split responsibility and authority over various aspects of the programs between the Corrections Division of the Department of Social Services and Housing, and the University of Hawaii; and
- (2) Changes in the confinement pattern of long-term inmates.

Both problems have hampered the development of the existing corrections education program at the Oahu Community Correctional Center.

In response to Act 301, Section 52, SCH 1983, the University of Hawaii and the Corrections Division of the Department of Social Services and Housing prepared a joint study designed, in part, to deal with the above problems. The study examined the feasibility of transferring the administration and function of corrections education to the Department of Social Services and Housing and providing instructional services on a fee-for-service basis.

The study concluded there is considerable potential for program improvement if the corrections education program is transferred to the Department of Social Services and Housing. The study further concluded that such a transfer and program change whereby instructional services are purchased on a fee-for-service basis has the potential to increase the number of inmate students in correctional education programs while allowing for more diversity in course offerings.

Your Committee finds that the unification of administrative responsibility for corrections education should resolve the problems which have plagued the corrections education program and provide the opportunity to address more effectively statewide correctional needs.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 174 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 943-84 Finance on H.R. No. 19

This Resolution requests the establishment of a committee by the Governor to study the feasibility of shifting the State's existing reliance on programs providing direct loans to borrowers from capital of the State, to the State's guarantee of loans made by private lenders.

Act 264 of the 1965 Legislative Session now codified as Chapter 211, Hawaii Revised Statutes, established a "Guarantee of Commercial Loans Program". Your Committee finds that this statute has not been used, for lack of a start-up reserve fund. Presently, the Department of Planning and Economic Development administers the Hawaii Capital Loan Program (HCLP), a direct loan program, and although it is very successful, DPED would like to implement Chapter 211.

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.

SCRep. 944-84 Finance on S.C.R. No. 39

The purpose of this concurrent resolution is to request the Steering Committee for the Big Island Ocean Recreation and Tourism Project to present a status report concerning its project accomplishments, expenditures and community contributions, current on-going programs, future plans, and other relevant issues; and to request the Sea Grant Extension Service at the University of Hawaii to develop and submit a five-year plan to the Legislature for the development of Big Island ocean recreation opportunities available to Hawaii's residents and visitors alike.

Your Committee on Finance concurs with the intent and purpose of S.C.R. No. 39, S.D. 1, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 945-84 Finance on S.C.R. No. 31

The purpose of this Concurrent Resolution is to request the Department of Land and Natural Resources and pertinent county agencies to assess existing water hazard warning systems at both state-and-county-owned beaches, in order to determine whether or not the public is being adequately warned of hazardous and potentially hazardous swimming conditions.

Your Committee concurs with the idea of a review and enhancement of the quality and quantity of warning signs posted within publicly owned beach parks, to ensure the safety of swimmers to the fullest extent possible.

Your Committee on Finance concurs with the intent and purpose of S.C.R. No. 31, S.D. 1, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 946-84 Judiciary on H.R. No. 201

The purpose of this resolution is to express support for redress and reparations for Americans and resident aliens of Japanese ancestry and Alaskan Aleuts who were subjected to forced evacuation and incarceration in detention camps during World War II. In particular, strong support is expressed for U.S. Senator Matsunaga's Bill S. 2116, which provides for such redress and reparations.

Your Committee has held a public hearing on this resolution and has received testimony in support of the measure from U.S. Senator Spark M. Matsunaga, the Honolulu Chapter of the Japanese-American Citizens League, and numerous individuals from the community.

Senator Matsunaga, in his written testimony, reported on the status of the bill which he introduced, S. 2116, to carry out the recommendations of the Commission on Wartime Relocation and Internment of Civilians. In testimony, the Senator also: presented a short historical account of the relocation and internment; described the establishment and role of the Commission; explained the findings of the distinguished nine-member Commission and the significance of those findings; discussed the impact which the relocation and internment had in Hawaii; and, emphasized the importance of both money compensation and the establishment of a Civil Liberties Education Fund, integral elements of the redress and reparations provided for by S. 2116.

The Honolulu Chapter of the Japanese-American Citizens League, a national civil rights organization with more than 30,000 members, testified in strong support of the resolution. JACL testimony emphasized that the failure of personal justice which resulted in the relocation and internment cannot and should not be repeated.

The JACL also submitted the written testimony of eight people who testified on behalf of Hawaii's internees before the Commission at a public hearing in Seattle, Washington, in 1981. These testimonies, and several other individual testimonies, described the relocation and internment as seen through the eyes of those who experienced it, bringing into sharp focus the personal injustice, humiliation, and degradation suffered by those who were interned without due process of law.

Your Committee has reviewed several of the significant findings of the Commission on Wartime Relocation and Internment of Civilians, and adopts the following as its own:

- (1) The evacuation of Japanese-Americans and their incarceration in what can only be described as American-style concentration camps was not justified by military necessity, but was the result of racial prejudice, wartime hysteria, and a historical character failure on the part of our nation's political leaders.
- (2) A grave injustice was done to American citizens and resident aliens of Japanese ancestry, who without individual review or any probative evidence against them, were excluded, removed and detained by the United States during World War II.

In light of these findings, your Committee supports the Commission's recommended remedies, as provided for in S. 2116.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 201 and recommends its adoption.

Signed by all members of the Committee except Representative Baker.

SCRep. 947-84 Judiciary on H.C.R. No. 83

The purpose of this concurrent resolution is to express support for redress and reparations for Americans and resident aliens of Japanese ancestry and Alaskan Aleuts who were subjected to forced evacuation and incarceration in detention camps during World War II. In particular, strong support is expressed for U.S. Senator Matsunaga's Bill S. 2116, which provides for such redress and reparations.

Your Committee has held a public hearing on this concurrent resolution and has received testimony in support of the measure from U.S. Senator Spark M. Matsunaga, the Honolulu Chapter of the Japanese-American Citizens League, and numerous individuals from the community.

Senator Matsunaga, in his written testimony, reported on the status of the bill which he introduced, S. 2116, to carry out the recommendations of the Commission on Wartime Relocation and Internment of Civilians. In testimony, the Senator also: presented a short historical account of the relocation and internment; described the establishment and role of the Commission; explained the findings of the distinguished nine-member Commission and the significance of those findings; discussed the impact which the relocation and internment had in Hawaii; and, emphasized the importance of both money compensation and the establishment of a Civil Liberties Education Fund, integral elements of the redress and reparations provided for by S. 2116.

The Honolulu Chapter of the Japanese-American Citizens League, a national civil rights organization with more than 30,000 members, testified in strong support of the concurrent resolution. JACL testimony emphasized that the failure of personal justice which resulted in the relocation and internment cannot and should not be repeated.

The JACL also submitted the written testimony of eight people who testified on behalf of Hawaii's internees before the Commission at a public hearing in Seattle, Washington, in 1981. These testimonies, and several other individual testimonies, described the relocation and internment as seen through the eyes of those who experienced it, bringing into sharp focus the personal injustice, humiliation, and degradation suffered by those who were interned without due process of law.

Your Committee has reviewed several of the significant findings of the Commission on Wartime Relocation and Internment of Civilians, and adopts the following as its own:

- (1) The evacuation of Japanese-Americans and their incarceration in what can only be described as American-style concentration camps was not justified by military necessity, but was the result of racial prejudice, wartime hysteria, and a historical character failure on the part of our nation's political leaders.
- (2) A grave injustice was done to American citizens and resident aliens of Japanese ancestry, who without individual review or any probative evidence against them, were excluded, removed and detained by the United States during World War II.

In light of these findings, your Committee supports the Commission's recommended remedies, as provided for in S. 2116.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 83 and recommends its adoption.

Signed by all members of the Committee except Representative Baker.

SCRep. 948-84 Judiciary on H.C.R. No. 97

The purpose of this concurrent resolution is to request that appropriate legislation be introduced and enacted by Congress to mandate that the President select

at least one full-time resident from the State of Hawaii for the positions of United States Representative and/or Alternative Representative on the South Pacific Commission, and that one such Hawaii resident be designated as the "State of Hawaii Representative on the South Pacific Commission." Further, pending the enactment of such legislation, the President and Secretary of State are requested to adopt the proposed procedure as official policy of the executive department of the United States Government for all future appointments.

Your Committee has held a public hearing on this concurrent resolution and has received testimony in support of this concurrent resolution from George Chaplin, Editor in Chief of the Honolulu Advertiser and former Alternate Delegate to the South Pacific Commission, and Robert Kiste, Director of the Pacific Islands Studies Program.

Your Committee finds that Hawaii plays a special role in the South Pacific and has a relationship with the Island nations and territories that redounds to the credit of not only our State but the entire United States. Accordingly, the State of Hawaii, the United States, and the Pacific region would benefit by mandated Hawaii representation on the United States delegation to the South Pacific Commission.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 97 and recommends its adoption.

Signed by all members of the Committee except Representative Baker.

SCRep. 949-84 Judiciary on H.R. No. 247

The purpose of this resolution is to request that appropriate legislation be introduced and enacted by Congress to mandate that the President select at least one full-time resident from the State of Hawaii for the positions of United States Representative and/or Alternative Representative on the South Pacific Commission, and that one such Hawaii resident be designated as the "State of Hawaii Representative on the South Pacific Commission." Further, pending the enactment of such legislation, the President and Secretary of State are requested to adopt the proposed procedure as official policy of the executive department of the United States Government for all future appointments.

Your Committee has held a public hearing on this resolution and has received testimony in support of this resolution from George Chaplin, Editor in Chief of the Honolulu Advertiser and former Alternate Delegate to the South Pacific Commission, and Robert Kiste, Director of the Pacific Islands Studies Program.

Your Committee finds that Hawaii plays a special role in the South Pacific and has a relationship with the Island nations and territories that redounds to the credit of not only our State but the entire United States. Accordingly, the State of Hawaii, the United States, and the Pacific region would benefit by mandated Hawaii representation on the United States delegation to the South Pacific Commission.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 247 and recommends its adoption.

Signed by all members of the Committee except Representative Baker.

SCRep. 950-84 Agriculture; Water, Land Use, Development and Hawaiian
Affairs; and State General Planning on H.C.R. No. 36

The purpose of this concurrent resolution is to request that the House leadership and the Senate leadership establish a joint interim committee to oversee the progress of the State of Hawaii Land Evaluation and Site Assessment Commission (LESA Commission) during the 1984 interim period and, where necessary and feasible, to approve such reports as may require legislative approval to enable development of other reports and documents.

Pursuant to Act 273 of the 1983 Regular Session of the Hawaii State Legislature, the LESA Commission was established and was directed to prepare and submit to the Legislature prior to the convening of the Regular Session of 1984 a report including an evaluation of alternative agricultural production goals and a

recommended goal; a recommended process to identify important agricultural lands; and proposed legislation.

Your Committees find that the LESA Commission's membership was not duly constituted until October 28, 1983, and consequently, despite excellent progress achieved by the Commission, the limited amount of time available to the Commission to date has not been sufficient for the completion of the requested report.

Your Committees also find that the LESA Commission has recently conducted public informational meetings throughout the State and is currently engaged in the process of finalizing a progress report on its preliminary findings and conclusions. A final report identifying important agricultural lands in the State and suggesting ways to implement the final recommendations of the Commission will be submitted to the Legislature prior to the convening of the Regular Session of 1985.

Cognizant of the fact that legislative approval of LESA Commission proposals and reports may be required before the Commission's work may be continued and completed, your Committees find that establishment of a joint legislative interim committee to oversee the work of the State of Hawaii Land Evaluation and Site Assessment Commission would ensure that Commission's continued progress.

Your Committees on Agriculture; Water, Land Use Development and Hawaiian Affairs; and State General Planning concur with the intent and purpose of H.C.R. No. 36 and recommend its adoption.

Signed by all members of the Committees except Representative Baker.

SCRep. 951-84 Tourism on S.C.R. No. 58

The purpose of this concurrent resolution is to request that the Department of Planning and Economic Development conduct a feasibility study of actively promoting the State of Hawaii as "The Healing Islands".

Your Committee finds that Hawaii, which is one of the world's finest resort and vacation centers, welcoming more than 4 million visitors annually, is noted for its "Aloha Spirit" that conveys warmth and consideration. It is a place where millions of people come to relax, recreate, find peace, seek a change of pace, and restore body and spirit.

Many millions throughout the world travel to major shrines to seek religious or spiritual solace, refreshment, or other help. Hawaii has hundreds of churches and temples of various denominations with significant activities to meet an individual's spiritual needs which also encompass physical and mental needs.

Hawaii has the ability to provide medical, hospital, care home facilities, and even specialized treatment facilities such as a center for hyperbaric chamber treatment. Hawaii has the John Burns School of Medicine, University of Hawaii; over 300 hospitals and care home facilities with more than 8,000 beds; about 3,000 physicians and more than 9,000 registered nurses; and many other related programs, institutions and personnel.

Your Committee believes that there is considerable potential for economic and social benefit for Hawaii's residents and visitors through a carefully planned program of promoting Hawaii as "The Healing Islands".

The Director of Planning and Economic Development testified in support of the concurrent resolution. He estimated the cost of the study on existing facilities to be from \$10,000 to \$12,000, a sum which could be available from the Industry and Product Promotion program, thus precluding any need for a new appropriation.

Your Committee on Tourism concurs with the intent and purpose of S.C.R. No. 58 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 952-84 Finance on H.C.R. No. 92

The purpose of this Concurrent Resolution is to request that the Department of Land and Natural Resources negotiate for the acquisition of the Kohala Ditch System, if deemed feasible.

It is the understanding of your Committee that the Department of Land and Natural Resources shall submit a report on its efforts to acquire the Kohala Ditch System to the 1985 Legislature.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 92, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 953-84 Finance on H.R. No. 282

The purpose of this Resolution is to request the Department of Health and Department of Social Services and Housing to jointly develop a plan for the implementation of Act 54, SLH 1982.

Your Committee finds that the implementation of Act 54 is desirable because it would allow flexibility in meeting the community residential needs of individuals in care and boarding homes. The major factor that has hindered the implementation of Act 54 is the disagreement concerning the fire and safety codes required to protect the residents of care and boarding homes.

Your Committee further finds that stringent rules are imposed upon those homes housing more than four residents, such as the requirement of costly overhead sprinklers. This has discouraged homes from expanding their number of residents.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 282, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 954-84 Consumer Protection and Commerce and Energy, Ecology and Environmental Protection on H.R. No. 315

The purpose of this resolution is to request the State Energy Resources Coordinator to work with Hawaiian Electric Company, Inc., Molokai Electric Company, Inc., and Kauai Electric Company, Inc. to develop a plan for encouraging the development of alternative energy sources for the production of electrical energy by the utilities.

Utilities nationwide over the past decade have managed to reduce their use of oil by 56 percent, and now use oil for only 6 percent of their fuel supply. They have increased their use of coal by 49 percent, and of nuclear power by 249 percent during this period. Overall, the nation's utilities have shifted successfully away from oil and are now, for the most part, immune from the effects of any sudden shortage in supply or escalation in price of oil.

Hawaii's utilities continue to be almost totally dependent upon oil. Electricity generated in the State through the use of other fuels is produced largely by non-utility firms, using biomass (8.5 percent), hydro (1.1 percent), geothermal (0.2 percent), or wind. Most of this electricity is produced by the sugar companies. Other companies also have become increasingly involved in the development of geothermal, wind and biomass resources to produce electricity.

The problem of displacing oil for generating electricity in Hawaii is made difficult because of the limited options available, especially in the application of proven or near-term technologies available elsewhere. Even domestic supplies of coal and natural gas would have to be imported and are not always readily available. Nuclear power is not economically feasible here, even if it were environmentally acceptable. Fortunately, however, the State is rich in other alternate energy resources which are becoming increasingly available under new or improved technologies. They include biomass, geothermal, wind, direct solar, hydropower, and ocean thermal energy conversion.

Favorable testimony was offered by the Director of Planning and Economic Development, Hawaiian Electric Company, Inc., Renewable Energy Ventures Incorporated and Wind Power Pacific, Inc.

Your Committee, upon further consideration, has amended the bill by making the following amendments:

- (1) The following language has been added:

"BE IT FURTHER RESOLVED that the Office of the Department of Planning and Economic Development report its findings and recommendations to the Legislature twenty days prior to the convening of the Thirteenth Legislature, Regular Session of 1985; and".

Your Committee has made other nonsubstantive changes.

Your Committees on Consumer Protection and Commerce and Energy, Ecology, and Environmental Protection concurs with the intent and purpose of H.R. No. 315 and recommends its adoption in the form attached hereto as H.R. No. 315, H.D. 1.

Signed by all members of the Committees except Representatives Baker and Bunda.

SCRep. 955-84 Consumer Protection and Commerce and Energy, Ecology, and
Environmental Protection on H.C.R. No. 121

The purpose of this concurrent resolution is to request the State Energy Resources Coordinator to work with Hawaiian Electric Company, Inc., Molokai Electric Company, Inc., and Kauai Electric Company, Inc. to develop a plan for encouraging the development of alternative energy sources for the production of electrical energy by the utilities.

Utilities nationwide over the past decade have managed to reduce their use of oil by 56 percent, and now use oil for only 6 percent of their fuel supply. They have increased their use of coal by 49 percent, and of nuclear power by 249 percent during this period. Overall, the nation's utilities have shifted successfully away from oil and are now, for the most part, immune from the effects of any sudden shortage in supply or escalation in price of oil.

Hawaii's utilities continue to be almost totally dependent upon oil. Electricity generated in the State through the use of other fuels is produced largely by non-utility firms, using biomass (8.5 percent), hydro (1.1 percent), geothermal (0.2 percent), or wind. Most of this electricity is produced by the sugar companies. Other companies also have become increasingly involved in the development of geothermal, wind and biomass resources to produce electricity.

The problem of displacing oil for generating electricity in Hawaii is made difficult because of the limited options available, especially in the application of proven or near-term technologies available elsewhere. Even domestic supplies of coal and natural gas would have to be imported and are not always readily available. Nuclear power is not economically feasible here, even if it were environmentally acceptable. Fortunately, however, the State is rich in other alternate energy resources which are becoming increasingly available under new or improved technologies. They include biomass, geothermal, wind, direct solar, hydropower, and ocean thermal energy conversion.

Favorable testimony was offered by the Director of Planning and Economic Development, Hawaiian Electric Company, Inc., Renewable Energy Ventures Incorporated and Wind Power Pacific, Inc.

Your Committee, upon further consideration, has amended the bill by making the following amendments:

- (1) The following language has been added:

"BE IT FURTHER RESOLVED that the Office of the Department of Planning and Economic Development report its findings and recommendations to the Legislature twenty days prior to the convening of the Thirteenth Legislature, Regular Session of 1985; and".

Your Committee has made other nonsubstantive changes.

Your Committees on Consumer Protection and Commerce and Energy, Ecology, and Environmental Protection concurs with the intent and purpose of H.C.R. No. 121 and recommends its adoption in the form attached hereto as H.C.R. No. 121, H.D. 1.

Signed by all members of the Committees except Representatives Baker and Bunda.

SCRep. 956-84 Consumer Protection and Commerce on H.R. No. 389

The purpose of this resolution is to require the Department of Commerce and Consumer Affairs with the cooperation of the Real Estate Commission, to update the study previously submitted to the Legislature in response to Senate Resolution No. 166, S.D. 1, and to review the responsibilities and the increase in workload of the Commission and to further make recommendations in manpower and organizational structure.

The resolution also requests that a feasibility study be done, as to the pros and cons of establishing a separate real estate division within the department. Further, that the review consider reallocating surplus funds to develop a separate division and/or to support the Commission's 5-year education program and the real estate resource center.

The Real Estate Commission and the Hawaii Association of Realtors testified in support of the intent and purpose of this resolution.

Your Committee has made nonsubstantive amendments in order to correct typographical and drafting errors.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 389 as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 389, H.D. 1.

Signed by all members of the Committee except Representative Baker.

SCRep. 957-84 Consumer Protection and Commerce on H.C.R. No. 148

The purpose of this resolution is to require the Department of Commerce and Consumer Affairs with the cooperation of the Real Estate Commission, to update the study previously submitted to the Legislature in response to Senate Resolution No. 166, S.D. 1, and to review the responsibilities and the increase in workload of the Commission and to further make recommendations in manpower and organizational structure.

The concurrent resolution also requests that a feasibility study be done, as to the pros and cons of establishing a separate real estate division within the department. Further, that the review consider reallocating surplus funds to develop a separate division and/or to support the Commission's 5-year education program and the real estate resource center.

The Real Estate Commission and the Hawaii Association of Realtors testified in support of the intent and purpose of this concurrent resolution.

Your Committee has made nonsubstantive amendments in order to correct typographical and drafting errors.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 148 as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 148, H.D. 1.

Signed by all members of the Committee except Representatives Baker and Kim.

SCRep. 958-84 Education and Higher Education and the Arts on H.R. No. 244

The purpose of this resolution is to request that the Speaker of the House appoint an Ad Hoc Committee to conduct a feasibility study on establishing, within an existing high school, a learning center for children who are gifted and talented in the performing arts.

Your Committees find that normal public school programs are not optimal for developing the skills and full potential of gifted and talented children, as they presently do not offer an advanced curricula in the performing arts. Your Committees further find that a learning center for the performing arts, while also providing the required academic programs of study to all of the students, will greatly enhance an individual's possibility of realizing his/her full potential.

Your Committees on Education and Higher Education and the Arts are in accord with the intent and purpose of H.R. No. 244 and recommend its adoption.

Signed by all members of the Committees except Representatives Albano, Hee, Ige, Takamine and Jones.

SCRep. 959-84 Judiciary and Consumer Protection and Commerce on H.R.
No. 254

The purpose of this resolution is to request the State House of Representatives to express its continued support of anti-drug campaigns and vigorous enforcement of existing drug laws by urging the retail merchants of the State of Hawaii, through their association the Retail Merchants of Hawaii, to voluntarily curtail the import and sale of items that are obviously manufactured for use with illicit drugs.

Your Committees are concerned with the availability of drug paraphernalia in Hawaii and the growing drug problem. Illicit drug use and sales are contributing factors in any other crimes.

At least 37 other states and the District of Columbia have enacted the Model Drug Paraphernalia Act. The Office of the Attorney General of Hawaii has indicated that the mere existence of drug paraphernalia legislation has a sufficient deterrent effect to result in the elimination of "head shops" in states where drug enforcement personnel have been educated about drug paraphernalia laws. However, there is concern that drug paraphernalia may include many everyday items such as spoons, bowls, and scales, that are readily available to everyone.

The Retail Merchants of Hawaii has expressed concern that compliance with this resolution may subject them to a charge of engaging in activity prohibited by state and federal antitrust laws. Accordingly, your Committees have amended this resolution by deleting the reference to the Retail Merchants of Hawaii as the organization through which retail merchants are urged to voluntarily curtail import and sale of drug paraphernalia.

Your Committees on Judiciary and Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 254, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 254, H.D. 1.

Signed by all members of the Committees except Representative Baker.

SCRep. 960-84 Finance on S.B. No. 1918-84

The purpose of this bill is to amend section 26-52, Hawaii Revised Statutes, to authorize the University of Hawaii Board of Regents to set the University of Hawaii president's salary up to a specified ceiling of \$95,000.

Currently, the salary of the president is set at \$53,460. The Board of Regents is currently engaged in a search to find a replacement for the resigning president. Testimony before your Committee on a similar measure, H.B. No. 2048-84, indicated that the president's current salary appears to have reduced the number of qualified scholar-administrators who might otherwise have applied for the position.

Your Committee has a genuine concern that a poor precedent is being set by not recommending salary adjustments for other state directors of stature equal to the president. However, your Committee agrees that allowing the Board of Regents to have the flexibility to set the president's salary at an amount up to the given

ceiling of \$95,000 is necessary at this time to recruit and secure a qualified university president.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1918-84, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep 961-84 Energy, Ecology and Environmental Protection on S.C.R.
No. 135

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study on the establishment of a State Environmental Protection Agency (EPA). In addition, the concurrent resolution requests that the study include consideration of these topics which includes:

- 1) other states which have a separate environmental protection agency;
- 2) the 1977 State Reorganization plan recommendation which stated that the Department of Labor and Natural Resources evolve into a Department of Environmental Affairs;
- 3) the roles of Hawaii's Department of Agriculture and Health with respect to consolidating enforcement, regulatory, advisory, research, monitoring, and health assessment functions;
- 4) the functions of the Office of Environmental Quality Control;
- 5) an evaluation and function of the University of Hawaii's in environmental quality research;
- 6) the best alternative possible in regard to the formation of a state EPA and where it should be housed jurisdictionally;
- 7) a comprehensive plan for containment in the environment and the establishment of a manifest system; and
- 8) an educational and informational dissemination system.

The Joint House-Senate Interim Committee to Review the State's Capability to Monitor and Prevent Contamination of Water Resources by Pesticides reported that there is a need to provide for central coordination of the responsibilities of regulatory, monitoring, and enforcing pesticides usage and water quality to enhance the operating effectiveness of state agencies involved with environmental quality management.

Your Committee heard testimony from the Director of the Office of Environmental Quality Control, and various environmental groups, all of which supported the resolution.

Your Committee also believes that the establishment of a manifest and records system deserves special and immediate attention.

Your Committee on Energy, Ecology and Environmental Protection concur with the intent and purpose of S.C.R. No. 135 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 962-84 Judiciary on H.R. No. 62

The purpose of this resolution is to recognize the community crime programs developed by the Police Department of the City and County of Honolulu so that the Legislature can develop other crime fighting capabilities.

Your Committee finds that crime affects individual victims and society in general. In order to eliminate any fear for safety and personal frustration and confusion about the criminal justice system, the Police Department of the City and County of

Honolulu have implemented several crime prevention programs. These programs have been highly successful in reducing crime and the fear of crime.

Your Committee has received reports from the Police Department describing their crime prevention, youth-oriented, and community related programs. Your Committee commends the Police Department for its initiative because these outstanding programs not only educate the public in crime prevention, they also involve the public so that there is better relations between the Police Department and the community.

The Police Department has several information programs on crime prevention topics such as Rape Prevention, Drug Abuse, Traffic Safety, and Residential Security. The Community Relations Division of the Police Department distributes information by way of printed materials, films, slides and speakers on each topic.

The Honolulu Neighborhood Security Watch program has been established to prevent crime in neighborhoods so that neighbors assist and cooperate with each other on the safety of their homes. This program has been highly successful and has grown from three residential areas to thirty since its establishment in 1981.

The Police Department also has several programs designed specially for the youth, such as Operation THOR (Target Hardening, Opportunity Reduction, Law and Justice Awareness, and the "Say Hi" School Visitation programs to educate school children on the role of law enforcement, the judicial system, and activities to reduce children's involvement in unlawful activities.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 62 and recommends its adoption.

Signed by all members of the Committee except Representative Baker.

SCRep. 963-84 Judiciary on S.C.R. No. 97

The purpose of this concurrent resolution is to request:

(1) The Hawaii Criminal Justice Data Center (HCJDC) to identify the need for access to the Federal Bureau of Investigation's National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications System (NLETS);

(2) The HCJDC and the Honolulu Police Department (HPD) to determine the legal and procedural factors that would be involved in transferring the HCIC and NLETS functions from the city to the state; and

(3) The HCJDC and the City Department of Data Systems (CDDS) and the State Department of Budget and Finance, Electronic Data Processing Division (EDPD) to identify the costs involved in starting and operating the NCIC and NLETS systems.

The Hawaii Criminal Justice Data Center, a State agency, was established in 1979 to serve as a data center for storing, disseminating, and analyzing criminal history information for the criminal justice system. The Data Center has expanded its role to include providing criminal justice information systems and the telecommunications network required to support access to information on state and local computer systems, criminal justice information sharing with other states, and access to the criminal justice files of the NCIC and NLETS. However, the HPD, a local agency, presently acts as the control terminal agency for both NCIC and NLETS.

Your Committee finds that the HCJDC is in the best position to assume the role as the control agency because its computer system already links all major criminal justice agencies in the State. Such coordination between the State, local, and federal government would maximize the utility of information, reduce costs, eliminate duplicated effort, and increase efficiency.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 97, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Baker.

SCRep. 964-84 Water, Land Use, Development and Hawaiian Affairs on

H.R. No. 304 (Majority)

The purpose of this resolution is to request the University of Hawaii's Department of Urban and Regional Planning to study the feasibility of setting aside State lands to permit certain residents to practice a subsistence life style.

Section 226-3, Hawaii Revised Statutes, the Hawaii State Planning Act of 1983, establishes three principles or values as the overall theme of the Hawaii state plan. They are individual and family self-sufficiency, social and economic mobility, and community or social well-being. Moreover, Section 226-3 provides for the enhancement of the ability of individuals and groups to pursue their goals freely, to satisfy basic needs, and to secure desired socio-economic levels for the purposes of self-reliance and self-determination. Your Committee is in agreement that this resolution addresses these principles and values.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 304, H.D. 1 and recommends its adoption.

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

SCRep. 965-84 Corrections and Rehabilitation on S.C.R. No. 95

The purpose of this concurrent resolution is to designate the week beginning May 6, 1984 as "Hawaii Correctional Officers' Week".

Your Committee finds that the professionalism, courage, and tenacity of the men and women who work in Hawaii's correctional facilities is a matter worthy of special legislative attention.

Your Committee further finds that the United States Senate and House of Representatives have passed a joint resolution in which the President of the United States has designated that week beginning May 6, 1984 as "National Corrections Week". The Hawaii State Legislature should recognize its state correctional officers and designate the week beginning May 6, 1984 as "Hawaii Correctional Officers' Week".

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of S.C.R. No. 95 and recommends its adoption.

Signed by all members of the Committee except Representative Baker.

SCRep. 966-84 Consumer Protection and Commerce on H.B. No. 1914-84
(Majority)

The purpose of this bill is to replace the existing statutes which govern the creation and operation of non-profit corporations with a modified version of the Model Non-Profit Corporation Act ("Model Act"), to be referred to as the "Hawaii Non-Profit Corporation Act."

Having a statute written expressly for non-profit corporations will provide for more appropriate regulation and greater certainty in this area of the law. Under present law, non-profit corporations are governed by and subject to "all general laws enacted in regard to corporations," pursuant to section 416-19, Hawaii Revised Statutes. This current statutory framework does not adequately reflect the significant differences between business corporations and non-profit corporations. Passage, last year, of the Hawaii Business Corporation Act (Act 167, Session Laws, 1983), a companion bill to this Hawaii Non-Profit Corporation Act, necessitates passage of a statute governing non-profit corporations before July 1, 1986.

This bill amends present Hawaii law in numerous areas and adds provisions where the present law is silent. This bill conforms to Hawaii law there it is felt that such conformance is preferable to adherence to the provisions of the Model Act.

Your Committee received testimony that the bill was too long and should be simplified. While simplicity is a desirable goal in all legislation, the administration

of a law is often simpler when the statute is complete. Your Committee will consider any specific suggestions for simplifying the language or achieving brevity without loss of clarity, prior to final passage.

Your Committee finds that enactment of this bill will provide non-profit corporations and non-profit corporate practitioners with the advantage of the Model Act drafters' comments and stated intent, and an established body of judicial interpretation collected from jurisdictions that have adopted the Model Act. In those areas where existing Hawaii law is incorporated into the bill, existing Hawaii case law will continue as a basis for interpretation.

In reporting this bill out, with a recommendation for recommitment, your Committee is aware that the bill will not be enacted this year. However, this action will result in the publication of a "cleaner" version of the bill and facilitate further review during the upcoming interim period. This publication will facilitate the passage of a non-profit corporation code in the 1985 legislative session. All interested parties are put on notice that such a passage is anticipated, with an effective date of July 1, 1986.

Your Committee has made numerous amendments to the bill in order to make the terms used in the bill consistent with those used in the Hawaii Business Corporation Act. Sections of the bill affected include sections -4, -5(10), -5(17), -11, -18, -19, -34, -35, -36, -42, -62, -68, -69, and -130. Additionally, section -5(14) has been replaced by a new section -6, former section -6 has been renumbered as section -7, and sections -7 and -8 have been deleted.

Your Committee has also amended sections -5(6), -5(16), -16, -43, -64, -67, -152, and -153 for clarity and internal consistency.

Lastly, your Committee has added a new section -8 establishing a procedure for the reservation of corporate names which is consistent with the Hawaii Business Corporation Act.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of H.B. No. 1914-84, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1914-84, H.D. 1, and be recommitted.

Signed by all members of the Committee except Representatives Baker, Kim, Stanley and Medeiros.
(Representatives Hirono and Taniguchi did not concur.)