

SCRep. 904 Finance on S.B. No. 83

The purpose of this bill is to establish a fund for agricultural park purposes within Hawaii's state treasury.

Section 171-112, Hawaii Revised Statutes, currently authorizes the Board of Land and Natural Resources to lease private property for agricultural purposes. The fund would be used to deposit rentals received from farmers who sublease privately owned lands leased by the State and to enable the State to make rental payments to the private landowners from the fund. In the absence of such a fund, the Department must rely solely on legislative appropriations for required funds to pay the private landowners, while receipts from subleases are deposited in the State's general fund.

Your Committee is in agreement that a special fund should be created in the state treasury to manage the use of funds for infrastructure improvements and should be only for those parks which have been selected by the Department of Land and Natural Resources. Therefore, your Committee has amended this bill to change "revolving" fund to "special" fund.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 83, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 83, S.D. 2, H.D. 1.

Signed by all members of the Committee.

SCRep. 905 Finance on S.B. No. 170

The purpose of this bill is to extend the expiration date of the compliance resolution fund (CRF).

The CRF was created after the Legislative Auditor's study found that the professional and vocational licensing boards were generally unresponsive to consumers. Further, the investigation and resolution of complaints were marked by unnecessary delays and bias. Accordingly, the Regulated Industries Complaints Office (RICO) was created to handle consumer complaints from initial filing to final settlement and/or hearing.

Your Committee has amended the bill to extend the fund through July 1, 1991.

Your Committee concurs with the Committee on Consumer Protection and Commerce which would establish guidelines whereby the Department will annually prepare and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the use of the Compliance Resolution Fund.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 170, 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. 170, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 906 Finance on S.B. No. 471

The purposes of this bill are to adjust the salaries or maximum salaries of certain public officers and employees, state explicitly that certain public officers and employees who are exempt from civil service also are exempt from collective bargaining, and provide for the requisite appropriations.

The bill proposes adjustments to the salaries or maximum salaries of the following public officers and employees: governor, lieutenant governor, superintendent of education, department directors, adjutant general, deputies and assistants to the department directors, administrative director of the State, federal programs coordinator, members of the Hawaii public employment relations board, chief negotiator, stadium manager and deputy stadium manager, special assistant to the governor for agriculture, commissioners of the public utilities commission, assistant, district, and deputy district superintendents of education, state librarian, executive director of the Hawaii public broadcasting authority, director of the executive office on aging, members of Hawaii paroling authority, executive director

of the Hawaii housing authority, members of the labor and industrial relations appeals board, deputy commissioner of credit unions, director of the office of consumer protection, director of the office of children and youth, state public defender, administrative director and deputy administrative director of the courts, legislative auditor, director of the legislative reference bureau, and ombudsman and their deputies or assistants, and executive director of the state ethics commission.

Your Committee has amended this bill to reflect \$2 a year throughout the bill where salary adjustments are being proposed.

Your Committee notes that this bill does not include an increase in the maximum salary of the president of the University of Hawaii. Your Committee also notes that, because of sections 401-1 and 431-33, Hawaii Revised Statutes, the maximum salaries of the bank examiner and insurance commissioner are increased by this bill.

Your Committee further notes that appropriate department head adjustments are to be made to salaries for the state librarian, Hawaii public employment relations board, labor appeals board, and the public utilities commission.

Your Committee finds that the salaries of the public officers and employees covered by this bill were last adjusted in 1982 so that some increase in their salaries should be provided. Your Committee believes that the parameter for the proposed increases should achieve a close relationship between the salaries of the Governor and the mayor of the City and County of Honolulu. The salaries of the other officers and employees covered by this bill should maintain the same percentage relationship to the Governor as currently exists for the respective officer or employee.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 471, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 471, S.D. 2, H.D. 1.

Signed by all members of the Committee.

SCRep. 907 Consumer Protection and Commerce on S.B. No. 662

The purpose of this bill is to amend Chapter 453, Hawaii Revised Statutes, to substitute current nomenclature for outdated language, and to clarify that accreditation is given to programs that are offered by schools, colleges, and hospitals and not to the institutions themselves.

Your Committee heard favorable testimony from the Board of Medical Examiners to the effect that the accreditation organizations have undergone name and organizational changes, and that programs, not institutions themselves should carry accreditation.

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

(1) On page 2, line 8, after the word "or" the following language has been added:

"if outside the United States, in a program which is shown by the applicant to the satisfaction of the board to possess standards substantially the equivalent of those required for such accreditation by the Accreditation Council for Graduate Medical Education; or"

The proposed amendment allows applicants of a medical school or college whose program leading to the M.D. degree is accredited by the Liaison Committee on Medical Education, and has chosen to serve a residency of at least one year outside of the United States to be eligible for examination. Current statutory language allows such applicants to sit for the examination.

Your Committee further finds that the bill is strictly a housecleaning measure and does not affect length of residency requirement for foreign medical graduates, nor does this bill purport to condone and/or recommend that the residency requirement for foreign medically trained applicants and American/Canadian trained applicants be the same.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 662, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 662, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Hashimoto, Menor, Taniguchi and Tungpalan.

SCRep. 908 Consumer Protection and Commerce on S.B. No. 309

The purpose of this bill was to remove motorcycle and motor scooter owners from Chapter 294 (Motor Vehicle Accident Reparations Act), Hawaii Revised Statutes.

Your Committee heard testimony from the Insurance Commissioner of the Department of Commerce and Consumer Affairs, the Hawaii Academy of Plaintiffs' Attorneys (HAPA), the Hawaii Insurers Council, and the Hawaii Business League.

The testimony from all parties revealed the following concerns: (1) maintaining the threshold amount under no-fault insurance for operators of motor vehicles, as well as for operators of motorcycles and motor scooters; (2) preventing operators of motorcycles or motor scooters from submitting claims under any no-fault policy when said operator is involved in an accident; (3) precluding owners or operators of motorcycles or motor scooters from claiming no-fault benefits as pedestrians, or under the assigned claims program of the Hawaii Joint Underwriting Plan; and (4) maintaining the consistency of Chapter 294, Hawaii Revised Statutes, by completely deleting all reference to motorcycles and motor scooters.

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

(1) Section 1 of the bill has been amended by adding subsection (a)(3) which states that "in the case of accidental harm arising out of an accident involving a motorcycle or motor scooter and a motor vehicle, the owner or operator of a motorcycle or motor scooter will not be exempt from Section 294-6.";

(2) In order to maintain the present interpretation of the definition of "Motor vehicle" in Section 294-2, your Committee has amended Section 2, page 3, line 21, by deleting the brackets around "attached to such vehicle.";

(3) To preclude an owner or operator of a motorcycle or motor scooter from receiving no-fault benefits as a pedestrian, the following amendments have been made:

- (a) Paragraphs 294-4(1)(A) and (B), Hawaii Revised Statutes, have been amended by adding the following language:

" , but not including any owner or operator of a motorcycle or motor scooter as defined in section 286-2,"; and

- (b) Subsections 294-5(a) and (d), Hawaii Revised Statutes, have been amended by adding the following language:

"; provided that this subsection shall not apply to any owner or operator of a motorcycle or motor scooter as defined in section 286-2."

(4) To preclude the operator of a motorcycle or motor scooter from receiving any benefits from any no-fault policy, the following amendments have been made:

- (a) Subsection 294-5(c), Hawaii Revised Statutes, has been amended by adding the following language:

" , or to the operator of a motorcycle or motor scooter as defined in section 286-2,"; and

- (b) Subsection 294-5(d), Hawaii Revised Statutes, has been amended by adding the following language:

"; except that no such other applicable no-fault insurance shall apply to any operator of a motorcycle or motor scooter as defined in section 286-2."

(5) Subsections 294-13(m), (n) and (o), Hawaii Revised Statutes, have been deleted to exclude motorcycles and motor scooters from Chapter 294, Hawaii Revised Statutes; and

(6) To preclude owners and operators of a motorcycle or motor scooter from claiming benefits under the Hawaii Joint Underwriting Plan, paragraph 294-23(b)(2), Hawaii Revised Statutes, has been amended by adding a new subparagraph (C) which reads as follows:

"(C) The owner or operator of a motorcycle or motor scooter as defined in section 286-2."

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 309, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 309, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Hashimoto, Menor, Taniguchi and Tungpalan.

SCRep. 909 Finance on S.B. No. 1432

The purpose of the bill is to mandate the inspection of adult family boarding homes and adult residential care homes, which care for up to five residents, by county fire departments.

Your Committee concurs with the House Committee on Human Services that the department of health (DOH) as the licensing state agency is able to provide uniform standards for all care and boarding homes on all islands. Your Committee also agrees that the DOH with its medical expertise will be better able to upgrade standards to address the current trend to place patients who are mentally incapable of self-preservation and patients who are non-ambulatory in boarding homes and care homes.

Your Committee also concurs in the belief of the House Committee on Human Services that the proposed DOH standards will be more stringent than current county fire codes and that the DOH is better able to carry out the legislative concern for the safety and well-being of residents in care homes and boarding homes in the state.

Your Committee is in accord with the intent and purpose of S.B. No. 1432, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 910 Finance on S.B. No. 610

The purpose of this bill is to increase the fees notaries public are entitled to charge for notarial services.

Your committee heard testimony from the Hawaii Bankers Association in support of the bill. According to their testimony, notary fees have not increased in almost ten years.

Your Committee concurs with the amendment of the House Committee on Judiciary to make all fees uniform since the work involved to notarize any document is substantially the same.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 610, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 911 Finance on S.B. No. 589

The purpose of this bill is to provide exclusive representatives of certain bargaining units another opportunity to negotiate a model conversion plan for reduction of salary range steps and to repeal the existing prohibition against the

use of any impasse procedure during such negotiations.

Since July 1, 1976, the collective bargaining law has prohibited the granting of step increases during any fiscal year in which a negotiated pay increase takes effect. Currently, for bargaining units which have not negotiated a model conversion plan for reduction of salary range steps, there is a wide disparity in pay between the beginning rate and the maximum rate of pay within a salary range. As a result, employees performing equal work are being paid widely differing rates. Extending the time in which the exclusive bargaining representatives may negotiate a model conversion plan for the reduction of salary range steps will make it possible to reduce these pay inequities.

Your Committee finds it appropriate to provide the exclusive representatives another opportunity to negotiate a model conversion plan for reduction of salary range steps so that the existing wide disparity in salary rates within a salary range can be reduced.

Your Committee on Finance agrees with the findings of your Committee on Public Employment and Government Operations in Stand. Com. Rep. No. 757, and concurs with the amendments made as a result of those findings.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 589, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 912 Finance on S.B. No. 90

The purpose of this bill is to:

(1) amend sections 187-1 and 189-2 of the Hawaii Revised Statutes to require a license for the taking of marine life for commercial purposes, whether the marine life is taken in or outside of the State, or landed in or shipped out of the State;

(2) require individuals operating vessel charter services to obtain commercial marine licenses for the taking of marine life; and

(3) provide that a marine license may be issued to a vessel as well as an individual.

Your Committee agrees that the present law is not clear as to whether a license is required for any commercial taking of marine life, or only if the catch is sold or offered for sale. This bill amends section 189-2, Hawaii Revised Statutes, to clarify:

(1) that fishing vessel charter service operations for the taking of marine life in or outside the State must obtain commercial marine licenses;

(2) that a commercial marine license is required for taking fish inside and outside of the State, for selling within the State, and for landing in the State for transshipment and sale elsewhere; and

(3) that a commercial marine license may be issued to a vessel with the fee determined by the number of persons on the vessel contributing to the taking of marine life for commercial purpose.

This bill also amends the definitions of "commercial purpose" and "commercial marine license" in section 187-1, Hawaii Revised Statutes, to conform with the proposed changes to section 189-2.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 90, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 913 Finance on S.B. No. 127

The purposes of this bill are: 1) to clarify present statutory language relating to the permitted uses of appropriations by the department of transportation; 2) to

allow the department to acquire rights and interests in airports owned or controlled by others for the development of joint use airport facilities necessary to meet civilian needs; 3) to make explicit the prohibition against other persons or agencies performing any of the department's functions, except for military purposes; and 4) to enable the department of transportation to acquire real or personal property without the assistance of the department of accounting and general services and to perform its own planning, design and construction of airport facilities.

Your Committee finds that, under present law, the department of accounting and general services is responsible for airport construction, engineering, and land acquisition functions. The department of transportation, however, is capable of, and has been carrying out, these functions independently of the department of accounting and general services. The bill, as amended, would conform statutory provisions to present practice by transferring the responsibility for airport construction, engineering, and land acquisition functions to the department of transportation.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 127, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 914 Finance on S.B. No. 252

The purpose of this bill is to specify the procedures by which an aggrieved party may appeal a land court decision; to establish a fee for appeal and deposits of costs on appeal; and to provide for transfer of costs to the supreme court.

Act 102, Session Laws of Hawaii 1984, repealed both the requirement that an aggrieved party appeal to the circuit court and the filing fee for the appeal. However, no provision was made for a filing fee for a direct appeal to the supreme court.

This bill will allow the land court to collect a fee for an appeal to the supreme court; to collect a deposit for costs of appeal; and further, requires the land court to remit the costs on appeal to the supreme court.

In addition, the bill revises the fee for filing a notice of appeal to \$30.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 252, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 915 Finance on S.B. No. 1198 (Majority)

The purpose of this bill is to amend the Industrial Loan Company Guaranty Act to primarily provide for the guaranty of thrift accounts at Manoa Finance Co., Inc., Great Hawaiian Financial Corporation, and Commercial Finance Company, Inc. and to appropriate moneys to provide for prompt payment of the guaranty amount set forth in the Industrial Loan Company Guaranty Act.

Your Committee received testimony from many persons regarding the current bankruptcy proceedings of Manoa Finance, Great Hawaiian and Commercial Finance, the plan proposed by the industry, and a proposed variation thereof.

The main provisions of this bill are as follows:

(1) Board of Directors of the guaranty corporation. The Board shall not be elected by the members of the guaranty corporation but shall be appointed by the Governor, the President of the Senate and the Speaker of the House and shall consist of four experts and three lay persons. Two of the three lay persons shall represent the industrial loan industry.

(2) Payment to Creditors. The bank examiner has the authority to direct payments to all creditors subject to a court order.

(3) Investment Income. Investment income shall not be credited to members'

accounts.

(4) Dissolution. The Bank Examiner shall voluntarily dissolve the guaranty corporation upon formal notice from the Board of Directors that either: (1) the guaranty corporation owns no assets except for the exception of the annual assessments or (2) all State loans have been satisfied.

(5) Appropriation. \$32,600,000 is appropriated out of the general fund for zero interest loans to the guaranty corporation. All loans shall be subject to a determination by a court of competent jurisdiction that the State and Thrift are released from all liability and that Thrift is the sole creditor of the affected companies. With the loan moneys, Thrift shall provide moneys to pay all creditors of Manoa Finance and Great Hawaiian and may obtain a security interest in the assets of Commercial Finance for the purpose of providing full payment to its creditors.

(6) Moratorium. Interest on prior loans shall be forgiven until July 1, 1990, at which time the guaranty corporation shall resume interest payments. The moratorium on the principal amount will be continued for one year until July 1, 1986.

(7) Assessments. In consideration of the invaluable service and benefits, both past and present, of the Industrial Loan Company Guaranty Act to the private industry, assessments paid by members shall continue until dissolution of the guaranty corporation.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1198, S.D. 2, H.D. 1, and recommends it pass Third Reading.

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

SCRep. 916 Finance on S.B. No. 133

The purpose of this bill is to prohibit aircraft from being operated at any airport owned or operated by the State Department of Transportation unless the aircraft has a certificate of registration issued in accordance with Department rules. The bill would 1) provide certain exceptions to this prohibitions, 2) set the annual registration fee at \$5, and 3) provide penalties for failure to register aircraft.

Your Committee finds that aircraft registration is needed to provide an accurate record of the numbers and owners of aircraft that use state airport facilities. This information is particularly essential where an owner or operator of an aircraft must be notified of the need to move the aircraft. Your Committee also feels that FAA records are not sufficient or current enough to meet the Department's operational needs and that a state registration system is needed.

Your Committee further feels that such registration information can be used to provide data as a basis for planning airport improvements and for soliciting the views of aircraft owners and operators on the State's general aviation program.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 133, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 917 Judiciary on S.B. No. 1386

The purpose of this bill is to increase the penalty for encroachment upon public lands by amending Section 171-6(12), Hawaii Revised Statutes.

Under present law, a person causing an encroachment upon public land is subject to a fine of not more than \$500 per day and is liable for administrative costs incurred by the department of land and natural resources (DLNR) and for payment of damages.

This measure proposes stiffer penalties for repeat violators who encroach onto public lands. For a first offense a fine of not more than \$500 per day and lia-

bility for administrative costs as presently prescribed by law. For a second or subsequent offense a fine of not less than \$500 per day nor more than \$2000 per day is proposed, as well as assuming the cost of restoring the land to its original condition, if required by the board of land and natural resources.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1386, S.D. 1, H.D. 1 and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Bunda.

SCRep. 918 Human Services on S.B. No. 29

The purpose of this bill is to eliminate the existing statutory provision which authorizes regular members of the Advisory Council for Children and Youth to designate substitutes to attend meetings in their place.

The Attorney General's Office testified in support of the bill, expressing concern that under the existing law there is no assurance that substitutes meet the qualifications specified in section 581-12, HRS. Said section requires that the Advisory Council be comprised of individuals with "training, experience, or special knowledge concerning programs for children and youth". Additionally, other state boards and commissions do not authorize regular members to designate substitutes.

The Director of the Office of Children and Youth and the Advisory Council for Children and Youth also testified in support of the bill.

Your Committee on Human Services is in accord with the intent and purpose of S.B. No. 29, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Kiyabu and Shito.

SCRep. 919 Higher Education and the Arts and Education on S.B. No. 1290

The purpose of this bill is to clarify the Department of Education's role in the management and control of curriculum development, and allow it to make requests for assistance from the University of Hawaii's College of Education with respect to curriculum activities. This bill also makes clear that the College of Education shall conduct curriculum development research as requested by the Department of Education, and that the University laboratory school shall be under the jurisdiction of the Board of Regents.

Testimony received from the College of Education's administration expressed a willingness to cooperate with the Department of Education, and noted that a primary mission of the College of Education is the pursuit of research related to education. The Superintendent of Education supports this bill, as it defines the roles of the Department of Education and the College of Education and affirms the relationship they have developed over the years.

Your Committees on Higher Education and the Arts and Education are in accord with the intent and purpose of S.B. No. 1290, S.D. 1, and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 920 Public Employment and Government Operations; Agriculture; and Ocean and Marine Resources on S.B. No. 160

The purpose of this bill is to amend existing statutes relating to the Governor's Agriculture Coordinating Committee, the Hawaii Fisheries Coordinating Council, and the Interagency Committee of the Commission on Manpower and Full Employment to allow designated alternate representatives to participate in the respective committee meetings in lieu of the primary members.

Currently, there is no provision authorizing a designated representative to serve as an alternate for the statutorily designated members on these several committees. Testimonies submitted by the Governor's Agriculture Coordinating Committee, the

Department of Land and Natural Resources, and the Department of Planning and Economic Development in support of the bill indicated that the proposed amendment will provide for continued participation by the member agencies in the absence of the primary committee members. Also, the bill would allow particularly the four primary voting ex-officio members on the Hawaii Fisheries Coordinating Council, and the primary members on the Interagency Committee of the Commission on Manpower and Full Employment to most effectively utilize their staff by selecting, as their alternate representatives, staff members who are directly involved in and are knowledgeable of the relevant programs of the respective committees.

Your Committees on Public Employment and Government Operations, Agriculture, and Ocean and Marine Resources are in accord with the intent and purpose of S.B. No. 160, S.D. 1, and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Kamali'i.

SCRep. 921 Health and Judiciary on S.B. No. 60

The purpose of this bill is to provide the Director of Health with the authority to levy administrative penalties and to obtain injunctive relief from the courts where rules adopted by the department to effectuate the provisions of chapter 321, Hawaii Revised Statutes, are violated.

Under present provisions of the law, a violation of a departmental rule which implements chapter 321 is a misdemeanor. Accordingly, in order to punish a violator, court action must be instituted. Each court action taken involves a lengthy, costly process, and the time and cost involved are magnified when many such actions must be taken. Furthermore, to take all violators to court would amount to an unreasonable reliance on the legal resources of the State. The only presently available alternative to court action is revocation of the license or permit to operate of the violator. The department believes, however, that revocation is too radical a measure to take in most cases of violations of chapter 321 rules since it could take away the individual's ability to engage in business and may cause unwarranted, irreparable economic harm. Thus, the department rarely imposes the sanctions of license revocation or suspension.

Health rules in chapter 321 are largely regulatory and their purposes are to deter violations. However, when the threat of being penalized is limited, the deterrent effect of the rules is lost. By being authorized to invoke administrative penalties rather than having to take legal action to revoke or suspend licenses, the department will be able to act quickly and decisively, and will be better able to tailor the punishment to the nature of the particular violation. This change will also act as a greater deterrence to potential violations.

A concern was expressed that a potential for an abuse of administrative powers existed in the provisions contained in the sentence beginning on line 5, page 3, of the bill. A reading of that sentence would seem to indicate that in a judicial proceeding brought by the Director of Health to recover the penalties imposed by him, the violator would have no opportunity to rebut the director's allegations. While this may be true if the provision is taken in isolation, a violator does have the right to appeal under the provisions of section 91-14, Hawaii Revised Statutes, which deals with judicial review of contested cases. In other words, any person accused of violating a rule may initially appeal the charge of violation and the imposition of penalties.

Your Committees on Health and Judiciary are in accord with the intent and purpose of S.B. No. 60, S.D. 1, and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 922 Education and Consumer Protection and Commerce on S.B. No. 55

The purpose of this bill is to repeal Chapter 302, Hawaii Revised Statutes, to eliminate licensing requirements of out-of-state agents of private schools and correspondence schools.

Under Chapter 302, HRS, agents representing any out-of-state private school or

correspondence school below the college level must be licensed by the Department of Education and be covered by a surety bond in the amount of \$2,000. In addition, agents must qualify for licensing and abide by rules set forth by this chapter. Presently, there are six licensed agents in the State.

Your Committees received testimony from the Department of Education in support of this bill and concur that the current practice of licensing out-of-state agents should be eliminated. The small number of agents (six) does not warrant separate statutory regulations. Complaints alleging unfair and deceptive practices may then be pursued through the Office of Consumer Protection.

Your Committees on Education and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 55 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 923 Transportation and Water, Land Use, Development and Hawaiian
Affairs on S.B. No. 128

The purposes of this bill are: 1) to amend Chapter 266, Hawaii Revised Statutes, to clarify state agency jurisdiction over shoreline areas and beaches by assigning the Department of Transportation primary responsibility for beach and shore areas seaward of the shoreline; and 2) to amend the definition of "shoreline" to be consistent with the definition given in Chapter 205A, Hawaii Revised Statutes, to utilize the vegetation or debris line to demarcate the shoreline rather than the mean highwater mark.

Your Committees find that the Department of Transportation currently administers the shoreline areas and beaches up to the mean highwater mark, leaving an area between the mean highwater mark and the "shoreline", as it is presently defined, which must be administered by the Department of Land and Natural Resources. This situation inevitably creates confusion between the two agencies and among different types of beach users. Therefore, many citizens do not know which agency is responsible for enforcing applicable laws and for addressing problems related to beach and shore use. This bill would clarify jurisdictional and enforcement responsibilities among state agencies relating to rules governing the use of shores and beaches, including those of such critical areas as Waikiki Beach.

Your Committees received testimony from the Department of Transportation, the Hawaii Coastal Zone Management Program Statewide Advisory Committee, and the Department of Land Utilization of the City and County of Honolulu favoring this bill, to clarify agency jurisdiction of shore and beach areas and to amend the definition of "shoreline" to reflect the vegetation or debris line.

Your Committees also find that this bill would not affect the concurrent jurisdiction of conservation lands seaward of the shoreline which shall continue to be exercised by the Department of Transportation and the Department of Land and Natural Resources.

Your Committees on Transportation and Water, Land Use, Development and Hawaiian Affairs are in accord with the intent and purpose of S.B. No. 128, S.D. 1, and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Kamali'i.

SCRep. 924 Transportation and Education on S.B. No. 1356

The purpose of this bill is to specifically exempt passenger vans owned by associations duly incorporated with the Department of Commerce and Consumer Affairs and operated to promote recreation, health, safety, or social group functions from being classified as school vehicles.

Your Committees find that, under present law, passenger vans used to transport children from school to an afterschool or summer fun program may be required to be in conformance with relevant school vehicle regulations as established by the Department of Transportation. Adherence to these regulations, however, would result in certain private community associations bearing burdensome transportation

costs.

Your Committees received testimony from the Department of Transportation, the Moiliili Community Center, and the Newtown Estates Community Association generally in favor of the bill, to clarify existing law to specifically include within the exemptions from school vehicle regulations certain private community associations that utilize passenger vehicles for recreation, health, safety, or social group functions.

Your Committees find that private community associations provide programs that are similar to programs that the Department of Transportation has exempted from its school vehicle regulations and feel that it would be unfair to treat the private community associations differently. This bill will provide the Department with clearer guidelines in determining which vehicles can be exempted from the school vehicle regulations.

Your Committees on Transportation and Education are in accord with the intent and purpose of S.B. No. 1356, S.D. 1, and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 925 Planning, Energy and Environmental Protection and Health on S.B. No. 634

The purpose of this bill is to set a mandatory penalty of \$500 for littering. This bill further stipulates that the offender may also be subject to forty hours of litter picking in addition to the fine.

Currently, a person guilty of littering is subject to a fine of not more than \$250 or must pick up litter from a public place for up to eight hours, or both.

Your Committees find that a stiffer penalty is needed to aid in the control of littering and this measure should provide the desired deterrent effect.

Your Committees on Planning, Energy and Environmental Protection and Health are in accord with the intent and purpose of S.B. No. 634, S.D. 1 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Kiyabu.

SCRep. 926 Planning, Energy and Environmental Protection on S.B. No. 166

The purpose of this bill is to exempt State Functional Plan Advisory Committee members from the provisions of sections 26-34(a) and 78-4(a), Hawaii Revised Statutes.

Section 26-34(a) currently requires that board and commission members be nominated and appointed by the Governor with the advice and consent of the Senate. Section 78-4(a) prohibits a person from serving on more than one board or commission of a public character at the same time.

Your Committee finds that this amendment is a "housekeeping" measure to resolve the concern that State Functional Plan Advisory Committees could be interpreted as "boards" or "commissions" and be subject to the provisions of sections 26-34(a) and 78-4(a), Hawaii Revised Statutes. Your Committee recognizes that this amendment may not be required, and that it represents a prudent action to specifically exempt Advisory Committee members from the provisions of section 26-34(a) and 78-4(a), Hawaii Revised Statutes.

Your Committee on Planning, Energy and Environmental Protection is in accord with the intent and purpose of S.B. No. 166 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 927 Water, Land Use, Development and Hawaiian Affairs and Public Employment and Government Operations on S.B. No. 260

The purpose of this bill is to provide for public disclosure of the financial statements by the trustees of the Office of Hawaiian Affairs.

The 1978 Constitutional Convention amended Article XIV of the Hawaii State Constitution to provide that all elected officials for elective office be required to file public financial disclosures. Chapter 84, Hawaii Revised Statutes, was amended in 1979 to implement the mandate of Article XIV. However, the trustees of the Office of Hawaiian Affairs (OHA) were inadvertently omitted in the revision of Chapter 84. This bill corrects the omission by including the financial statements of the OHA trustees as proper documents for public disclosure.

OHA has no objections to this bill.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and on Public Employment and Government Operations are in accord with the intent and purpose of S.B. No. 260, S.D. 1, and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Nakasato, Takamine and Kamali'i.

SCRep. 928 Water, Land Use, Development and Hawaiian Affairs and Planning,
Energy and Environmental Protection on S.B. No. 1409

The purpose of this bill is to establish and recognize the conveyance of conservation land easements to public bodies and private non-profit organizations. The bill further provides for the definition of a "conservation easement" as an interest in real property created by deed, restrictions, covenants, or conditions for the preservation and protection of natural, scenic, forested, or open-space areas, which may be perpetual in duration as well as freely transferable.

Your Committees received numerous testimonies in support of this bill, and also find that thirty-three states now have statutory provisions allowing conservation easements, a recent development in property law.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and on Planning, Energy and Environmental Protection are in accord with the intent and purpose of S.B. No. 1409 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 Kamali'i.

SCRep. 929 Water, Land Use, Development and Hawaiian Affairs on S.B. No.
1221

The purpose of this bill is to provide the Board of Trustees of the Office of Hawaiian Affairs with greater control over the length served by its chairperson and vice-chairperson.

Presently, Section 10-8, Hawaii Revised Statutes, requires a chairperson and vice-chairperson to serve a term of two years without any provision for their removal before the expiration of that two-year term. With the proposed replacement of the words "a term of two years" with the words "at the pleasure of the board", it is the intent of this bill to render to the Board of Trustees of the Office of Hawaiian Affairs (OHA) greater control over its officers' terms of office.

Your Committee supports this bill as providing the OHA Board with the necessary degree of independence and control in addressing the manner in which it controls its own affairs. One of the basic attributes of self-government is the power to structure the manner in which decisions are made, even if interested and affected parties believe that a particular decision may be unwise. Whether or not an OHA officer is wisely or unwisely removed by the Board, in the exercise of its control over its officers, is not a matter for the Hawaii State Legislature to decide.

Furthermore, your Committee notes that both the Board of Regents of the University of Hawaii and the Board of Education may freely remove their chairpersons at the pleasure of a majority of the members of those Boards. There has not been convincing analysis that the OHA Board should be treated any differently. In supporting this bill, your Committee is of the opinion that a necessary degree of

self-government is being granted to OHA.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of S.B. No. 1221 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 Kamali'i.

SCRep. 930 Water, Land Use, Development and Hawaiian Affairs on S.B. No.
279

The purpose of this bill is to authorize the Chairperson of the Board of Land and Natural Resources to consent to the mortgaging of or creation of a security interest in any lease, license, permit, or other instrument issued by the Board.

Under current statute, the consent of the Board itself, rather than the Chairperson, is required.

Your Committee concurs with testimony from the Department of Land and Natural Resources in support of this bill that authorizing the Chairperson of the Board to act on consent to mortgage requests would facilitate this process since the Board meets only twice a month. Authorizing the Chairperson to act could result in a saving of interest charges to the requesting parties, who number between eight and ten per month, without jeopardizing the public interest.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of S.B. No. 279 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 Kamali'i.

SCRep. 931 Water, Land Use, Development and Hawaiian Affairs on S.B. No.
651

The purpose of this bill is to include "heiau" in the definition of historic property, and to better clarify the responsibilities of the Department of Land and Natural Resources to regulate actions which might have detrimental effects upon historic properties.

According to testimony from the Department of Land and Natural Resources, heiaus, in comparison to other archeological sites, have a special meaning because of the role which they have played in the formal Hawaiian religion. This bill would allow "heiau" to be singled out for special attention within the historic preservation law, by including it within the definition of historic property.

This bill would also clarify the Department's role in reviewing public undertakings that might impact significant historic properties, and protect historic properties located on private lands.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of S.B. No. 651, 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 Kamali'i.

SCRep. 932 Water, Land Use, Development and Hawaiian Affairs on S.B. No.
469

The purpose of this bill is to amend Section 209(1), Hawaiian Homes Commission Act, 1920, as amended, by allowing the Department of Hawaiian Home Lands to pay, upon the death of a lessee, the net proceeds of the lease to a surviving spouse and children who are not qualified to succeed to the homestead lease.

Under current statute, the Department is not authorized to pay out net proceeds to a non-qualified spouse and children of a deceased lessee. The payment of net proceeds is permitted only upon the cancellation or surrender of a leasehold interest. In the case when a lessee dies, leaving a non-qualified spouse or child, and there are no qualified relatives to succeed, the lease is cancelled and pay-out

of the net proceeds made. However, in the case when the lessee dies, leaving a non-qualified spouse or child, and there are qualified relatives to succeed to the homestead lease, no such payment is authorized and the successor receives the entire value of the homestead interest.

According to testimony from the Department of Hawaiian Home Lands, this bill would protect the rights of a deceased lessee's surviving non-qualified spouse and children to receive the value of net proceeds of leasehold improvements. The pay-out would be made from the home loan fund and further considered a cash advance to the designated successor.

Your Committee finds that S.B. No. 469 is similar to last year's H.B. No. 2194-84, H.D. 1, S.D. 1, which was vetoed by the Governor because of a legal technicality. S.B. No. 469 rectifies the technicality by including SECTION 3 which allows for the validity of any amendments to the Hawaiian Homes Commission Act, 1920, as amended, that may be pending before the U.S. Congress or that may be acted upon by the Congress before or after the effective date of enactment of this bill.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of S.B. No. 469 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Kamali'i.

SCRep. 933 Judiciary and Consumer Protection and Commerce on S.B. No. 434

The purpose of this bill is to correct technical errors appearing in various portions of the Hawaii Revised Statutes (hereafter "H.R.S.") which have resulted in inconsistencies, redundancies, unnecessary repetition, and lack of clarity.

This bill proposes the amendment of twenty-nine separate sections of the H.R.S. The proposals originate from the legislative directive contained in section 23G-20, H.R.S., which directs the revisor of statutes to conduct a continual review of the laws of the State for the purpose of removing inconsistencies, redundancies, unnecessary repetitions and otherwise improving their clarity. This bill also makes technical and nonsubstantive amendments throughout the respective sections.

Section 1 amends section 36-9, H.R.S., by deleting reference to the factory built housing advisory board. Act 225, Session Laws of Hawaii (hereafter "S.L.H.") 1983, section 1, repealed section 359L-6, H.R.S., which established a factory built housing advisory board.

Section 2 amends section 91-3(b), H.R.S., by deleting brackets around the word "or". Act 64, S.L.H. 1979, section 1, amended section 91-3, H.R.S., by adding subsection (d). Through an apparent clerical error, subsection (b) of section 91-3 was affected when the second "or" from the language "without prior notice or hearing or upon such abbreviated notice" was omitted from the text of subsection (b). The revisor of statutes, pursuant to statutory authority, corrected this omission by reinserting the second "or". The revisor indicated the change by the use of brackets and a revision note.

Section 3 amends section 187-18, H.R.S., by deleting a reference to part III of chapter 189, H.R.S. Act 79, S.L.H. 1973, section 1, repealed sections 189-31 through 189-35, H.R.S., which constituted part III of chapter 189. A reference to part III of chapter 189 remains in section 187-18, H.R.S., and should be deleted.

Section 4 amends section 226-52, H.R.S., by amending the wording of subsection (b)(3) to reflect the fact that the state clearinghouse reviews only those federally-assisted and direct federal development projects which are covered under the state clearinghouse process (Presidential Executive Order 12372, "Inter-government Review of Federal Programs"), and by deleting reference to A-95, inasmuch as Circular A-95 was rescinded in 1982 and replaced with Presidential Executive Order 12372.

Section 5 amends section 227-2, H.R.S., by changing "marine affairs coordinator" to "marine affairs advisor". Act 281, S.L.H. 1982, section 1, repealed the office of marine affairs coordinator, chapter 218, H.R.S. Act 247, S.L.H. 1984, section 1, amended section 188E-1, H.R.S., by changing the term "marine affairs

coordinator" to "marine affairs advisor". Due to an apparent oversight, the term "marine affairs coordinator" remained in section 227-2, H.R.S.

Section 6 amends section 334-59(e), H.R.S., by changing a reference to section 334-60(b)(2) to 334-60.3. Act 188, S.L.H. 1984, section 2, repealed section 334-60, H.R.S., and added new sections to chapter 334, concerning voluntary and involuntary admission to a psychiatric facility. Former section 334-60(b)(2) covered "Involuntary hospitalization: . . . Initiation of proceeding." That subject is now covered by section 334-60.3, "Initiation of proceeding for involuntary hospitalization."

Section 7 amends section 334-61, H.R.S., by changing a reference to section 334-60(b)(3) to 334-60.4. Act 188, S.L.H. 1984, section 2, repealed section 334-60, H.R.S., and added new sections to chapter 334, concerning voluntary and involuntary admission to a psychiatric facility. Former section 334-60(b)(3) covered "involuntary hospitalization: . . . Notice; waiver of hearing on petition." That subject is now covered by section 334-60.4, "Notice; waiver of notice; hearing on petition; waiver of hearing on petition for involuntary hospitalization."

Section 8 similarly amends section 334-71, H.R.S., by changing a reference to section 334-60(b)(3) to 334-60.4, for the same reasons as the change made in section 7 of this bill.

Section 9 amends section 334-74, H.R.S., by changing a reference to section 334-60(b) to, collectively, sections 334-60.1 to 334-60.7. Act 188, S.L.H. 1984, section 2, repealed section 334-60, H.R.S., and added new sections to chapter 334, concerning voluntary and involuntary admission to a psychiatric facility. Former section 334-60(b) covered "involuntary hospitalization." That subject is now covered by sections 334-60.2 to 334-60.7.

Your Committees find that the collectively referenced sections should begin with section 334-60.2 and has amended section 9 of the bill accordingly.

Section 10 amends section 334-76, H.R.S., by changing references to sections 334-60(b)(6) and 334-60(b)(1) to sections 334-60.7 and 334-60.2, respectively. Act 188, S.L.H. 1984, section 2, repealed section 334-60, H.R.S., and added new sections to chapter 334, concerning voluntary and involuntary admission to a psychiatric facility. Former section 334-60(b)(6) covered "Notice of intent to discharge." That subject is now covered by section 334-60.7. Former section 334-60(b)(1) covered "Involuntary hospitalization: Criteria." That subject is now covered by section 334-60.2, "Involuntary hospitalization criteria."

Section 11 conforms section 408-18, H.R.S., to the new terminology and renumbered sections of chapter 476. Act 86, S.L.H. 1984, made extensive amendments to chapter 476, H.R.S., to take effect on July 1, 1985. The title of chapter 476 is to be changed from "Retail Installment Sales" to "Credit Sales". Section 476-1 was amended by substituting new definitions, including the substitutions of "credit sale" for "retail installment sale", "credit sale contract" for "retail installment contract", "credit buyer" for "retail buyer", and "credit seller" for "retail seller".

Section 12 similarly relates to the amendment of chapter 476, H.R.S. Section 437-1.1, H.R.S., is amended to conform to the new terminology of chapter 476 by adding the definition of "credit sale contract" and deleting the definition of "retail installment contracts".

The numbers before the definitions have been deleted to facilitate future amendments.

Section 13 amends section 442-6(c), H.R.S., by deleting references to "the subjects" contained in section 442-2. Section 442-6(c), H.R.S., contains references to "subjects enumerated" and "subjects mentioned" in section 442-2. Act 240, S.L.H. 1984, section 2, deleted the portion of section 442-2 which included the list of subjects referred to.

Section 14 amends section 453-2, H.R.S., by deleting brackets around a phrase that appears to have been inadvertently omitted during typing. Act 168, S.L.H. 1984, section 7, amended section 453-2, H.R.S., which requires a license to practice medicine or surgery in the State. Through an apparent clerical error, the language "when in actual consultation with a licensed practitioner of this State if the practitioner from another state" was omitted from section 453-2(3) when the bill was typed as Senate Bill No. 1744-84, S.D. 1, H.D. 1, C.D. 1, Twelfth Legisla-

ture, 1984, State of Hawaii. The revisor of statutes, pursuant to statutory authority, remedied this error by the use of brackets and a revision note.

Section 15 amends section 465-7, H.R.S., by reinstating four paragraphs that appear to have been inadvertently omitted during typing. Act 142, S.L.H. 1984, section 1, purported to amend section 465-7, H.R.S., by setting forth psychologists' licensing requirements in four enumerated paragraphs. Through an apparent clerical error, these paragraphs were omitted when the bill was typed as House Bill No. 2028-84, H.D. 1, S.D. 1, C.D. 1, Twelfth Legislature, 1984, State of Hawaii. Section 465-7 is amended by reinstating paragraphs (1) to (4) as they appeared in the section prior to the 1984 amendment.

Section 16 amends section 481C-6, H.R.S., for the same reasons as the changes made to other H.R.S. sections by sections 11 and 12 of this bill.

Section 17 amends section 486K-3, H.R.S., by changing a reference to chapter 523 to 523A. Act 37, S.L.H. 1983, repealed chapter 523, H.R.S., "Revised Uniform Disposition of Unclaimed Property Act", and enacted a new chapter entitled "uniform Unclaimed Property Act", which was subsequently designated chapter 523A, H.R.S.

Section 18 conforms section 490:9-203, H.R.S., to the new title of chapter 476, H.R.S., resulting from Act 86, S.L.H. 1984, which also effected the changes made under sections 11, 12, and 16 of this bill.

Section 19 amends section 502-52, H.R.S., by changing a reference to section 622-23 to section 626-1, rule 901 or 902. Act 164, S.L.H. 1980, section 1, enacted the Hawaii Rules of Evidence, codified as chapter 626, H.R.S. Sections 5, 6, and 7 of Act 164 repealed chapter 622, entitled "Documentary Evidence". Among the sections repealed was section 622-23. The subject of that section is now covered by section 626-1, rules 901 and 902.

Sections 20 through 28 amend the respective H.R.S. sections listed below by changing references to section 523 to 523A, for the same reasons as the change made to another H.R.S. section in section 17 of this bill.

Section 20 - section 507-15, H.R.S.

Section 21 - section 507-65, H.R.S.

Section 22 - section 507-66, H.R.S.

Section 23 - section 531-33, H.R.S.

Section 24 - section 531-34, H.R.S.

Section 25 - section 532-14, H.R.S.

Section 26 - section 560:3-1210, H.R.S.

Section 27 - section 560:3-1212, H.R.S.

Section 28 - section 560:2-1213, H.R.S.

Section 29 amends section 634-36, H.R.S., by deleting the term "the notice". Act 209, S.L.H. 1984, section 4, amended section 634-36, H.R.S., by deleting from the first sentence, language requiring that notice of the service of summons be served upon the defendant. Through an apparent oversight, reference to "the notice" remained in the second sentence of section 634-36.

Your Committees on Judiciary and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 434, S.D. 1, and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 934 Judiciary on S.B. No. 843

The purpose of this bill is to provide a stronger penalty for persons who continually refuse to submit to a blood or breath test and to require that the penal-

ized person seek counseling from a certified substance abuse counselor.

Presently, the law provides for a twelve month revocation upon a finding that a person has refused to submit to a blood or breath test. The penalty is the same for repeat offenders. However, under Section 291-4, Hawaii Revised Statutes, repeat offenders who take the test and are subsequently convicted face stiffer penalties. The prosecuting attorney, city and county of Honolulu, testified that some repeat offenders refuse to take the blood or breath test knowing that the penalty is less severe under Section 286-155, Hawaii Revised Statutes.

The bill mandates subsequent license revocation for repeat offenders of two to five years, and in addition requires any person penalized under Section 286-155, Hawaii Revised Statutes, to see a certified substance abuse counselor.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 843 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 935 Judiciary on S.B. No. 125

The purpose of this bill is to amend Section 291-4, Hawaii Revised Statutes, to mandate a ninety-day suspension of a person's driver's license for the offense of driving under the influence of intoxicating liquor.

Under the present law, there is a thirty-day prompt suspension with absolute prohibition from operating a motor vehicle and a sixty-day restricted license.

Your Committee heard testimony in support of the bill from the department of transportation. They further testified that the amendment was necessary to comply with the basic incentive grant criteria for the Section 408 federal alcohol traffic safety programs.

The Honolulu police department testified that in 1984, 4,326 persons were arrested for driving under the influence of alcohol, a fifty-nine percent increase over 1983.

The bill provides a ninety-day prompt suspension, provided the court may impose a minimum thirty-day absolute suspension of license and a restricted license for the remainder of the ninety-day period to allow a person to drive for limited work-related purposes and to participate in an alcohol treatment program.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 125, 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. 936 Judiciary on S.B. No. 255

The purpose of this bill is to amend Section 286-109, Hawaii Revised Statutes, to require that no drivers' licenses or instruction permits shall be issued or renewed until the applicant has fully cleared delinquent or outstanding traffic records.

The bill expands the section to authorize placing a hold on the issuance or renewal of a license if, after an individual has initially appeared in court, the individual has not fully complied with the court's orders.

Your Committee heard testimony from the judiciary supporting the proposed amendment. The courts have a growing backlog of cases involving persons who failed to fulfill court orders. The only way to resolve these cases is to issue bench warrants, which is a slow and costly process and does not decrease the backlog. Placing a hold on the issuance or renewal of drivers' licenses would provide an automatic way to bring persons into compliance with citations and court orders in traffic cases.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 255 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

dar for Third Reading.

Signed by all members of the Committee.

SCRep. 937 Judiciary on S.B. No. 563

The purpose of the bill is to adopt the uniform trustees' powers act which codifies the body of common law applicable to trustees.

This bill will explicitly set forth the various powers conferred upon trustees.

Your Committee heard testimony in support of this bill from the corporate trustees of Hawaii. They testified that this bill will substantially reduce the uncertainty of trustees as to their powers to make certain investments; will further serve to eliminate unnecessary litigation by beneficiaries who question a trustee's powers; and will clarify the division of duties and liabilities in co-trustees' situations.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 563, 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. 938 Judiciary on S.B. No. 742

The purpose of this bill is to amend Section 804-3(b), Hawaii Revised Statutes, concerning conditions where bail may be denied to a defendant.

Under present law, bail shall not be set in certain serious crimes where the proof of the charge is evident and the presumption great and at least one other specific condition applies. A recent Hawaii supreme court decision in the case of Huihui v. Shimoda has cast a shadow of doubt on the current statute.

Your Committee finds that the proposed bill clarifies the criteria for persons charged with a serious offense who may be denied bail if reasonable assurances for appearance cannot be determined by the court. Furthermore, the measure remedies the constitutional problems raised by Huihui v. Shimoda.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 742, 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. 939 Judiciary on S.B. No. 1158

The purpose of this bill is to repeal the Hawaii Uniform Gifts to Minors Act (HUGMA), Chapter 553, Hawaii Revised Statutes and to substitute in its place the Uniform Transfers to Minors Act (UTTMA).

The present Hawaii Uniform Gifts to Minors Act was enacted in 1957 and has been amended several times since then.

In 1983, the uniform law commissioners promulgated the Uniform Transfers to Minors Act. This act incorporates the desirable provisions of the HUGMA and further expands the scope of transfers of gifts to minors. Presently, three states, California, Colorado, and Idaho have adopted the UTTMA.

The new UTTMA serves the same purpose as the HUGMA. Irrevocable transfers can be made to minors to satisfy tax requirements, however, control of the property will be held by adults or institutions until the minor reaches the age of majority.

The Hawaii commission to promote uniform legislation and the Hawaii state bar association testified in support of the act. Both testifiers stated that the UTTMA is a significant improvement over the HUGMA. The major differences between the two acts are:

(1) Under the UTTMA any kind of property may be transferred to a minor. The HUGMA only permits transfers of securities, life insurance policies, annuity contracts or cash.

(2) The UTTMA permits transfers based on occurrence of a future event, such as transfers by powers of appointment, by a personal representative, or by a trustee pursuant to a will or trust agreement. The HUGMA permits only present gifts.

(3) The UTTMA provides for jurisdiction over transfers under UTTMA and sets forth choice-of-law rules to address conflict-of-law problems.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1158 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 940 Consumer Protection and Commerce and Housing on S.B. No. 1271

The purpose of this bill is to require owner-builders or lessees who build on or improve their property and qualify for an exemption under Section 444-2, Hawaii Revised Statutes, to register for the exemption.

Your Committees received favorable testimony from the Contractors License Board, the Hawaii Business League and the Construction Industry Legislative Organization, Inc. The Board stated that this bill would help to curb the problem of owner-builders hiring unlicensed contractors and to reduce the risks that homeowners may have in possible workers' compensation claims.

This bill also requires each county or local subdivision of the State to maintain an owner-builder registration list containing certain pertinent information. This information would assist the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs with their citation system process.

Your Committees on Consumer Protection and Commerce and Housing are in accord with the intent and purpose of S.B. No. 1271, S.D. 1, and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Gaulty and Lindsey.

SCRep. 941 Consumer Protection and Commerce on S.B. No. 1114

The purpose of this bill is to amend Section 448-2, Hawaii Revised Statutes, to allow the title "Dr." to be appended to the name of any practitioner of dentistry or a dental surgeon with a valid, unrevoked license from the Board of Dental Examiners.

Your Committee received favorable testimony from the Hawaii Dental Association, who stated that a dentist graduate with a doctorate degree from a university as a Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) has earned the degree of Doctorate, warranting the graduate the privilege and honor of using the title "Dr."

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1114, 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. 942 Consumer Protection and Commerce on S.B. No. 196

The purpose of this bill is to amend Section 437B-7, Hawaii Revised Statutes, to require every motor vehicle repair dealer to be a motor vehicle mechanic or have in the dealer's employ at least one motor vehicle mechanic and to require that any motor vehicle mechanic who engages in the repair of motor vehicles be registered as a motor vehicle repair dealer or be in the employ of a motor vehicle repair

dealer.

Your Committee heard testimony in favor of the bill from the Motor Vehicle Repair Industry Board and the Hawaii Automotive and Retail Gasoline Dealers Association. The Board testified that Section 437B-7, Hawaii Revised Statutes, has caused some confusion as to whether a person who has a mechanic's license and is operating a motor vehicle repair shop is required to be licensed as a motor vehicle repair dealer. Under existing case law of the Motor Vehicle Repair Industry Board, a licensed mechanic is allowed to operate a repair shop without obtaining a motor vehicle repair dealer's license. See, In the Matter of the Motor Vehicle Repair Dealer License of Rodney's Services, Inc. and the Motor Vehicle Repair Mechanic's License of Rodney G. Goonetillere, AR 80-154 (1981). This ruling centered on the interpretation of Section 437B-7, Hawaii Revised Statutes. The section prohibits motor vehicle repairs unless a person has a dealer or mechanic's license. Consequently, it has been ruled that if a person has either license, that person may engage in motor vehicle repairs.

The Board also testified that it believed that the Legislature intended to place the licensing requirement so that all repair facilities have both a dealer and a mechanic license, when an individual owns and operates a repair shop, or a dealer's license with an employed licensed mechanic in the other circumstance.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 196 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 943 Consumer Protection and Commerce on S.B. No. 188

The purpose of this bill is to allow the employee responsible for the administration of the Medical Claims Conciliation Panels to report to the Director of Commerce and Consumer Affairs rather than to the executive secretary of the Board of Medical Examiners.

Your Committee heard testimony from the Department of Commerce and Consumer Affairs to the effect that Act 168, Session Laws of Hawaii 1984, required different personnel to handle the Board of Medical Examiners and the Medical Claims Conciliation Panels. It also required that the person assigned to the panels must report to the executive secretary of the Board. Under the current organizational structure of the department, the panels and the employee assigned to them are part of the director's office; and the executive secretary of the Board is part of the Professional and Vocational Licensing Division. This structural alignment makes the reporting provision difficult to implement and administer. This bill corrects this problem.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 188 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 944 Consumer Protection and Commerce on S.B. No. 213

The purpose of this bill is to expand the membership of the Board of Private Investigators and Guards from four to seven members by adding a second police chief, another public member, and one more industry member. Further, this bill provides that one Board member must be a licensed private detective and one Board member must be a licensed guard.

Your Committee received testimony from the Board of Detectives and Guards in support of the bill. The Board testified that they had no objections to having additional members to assist in regulating the growing security industry in Hawaii.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 213, 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. 945 Consumer Protection and Commerce on S.B. No. 198

The purpose of this bill is to extend the repeal date of Chapter 455, Hawaii Revised Statutes, Relating to Naturopathy to December 31, 1987. Further, the bill provides that the Board of Examiners in Naturopathy shall not issue a license to any person after the effective date of this Act, until such time that new rules are adopted by the Board and approved for the following:

- (1) Examination criteria and processes; and
- (2) Licensure.

Your Committee received testimony from the Department of Health, Hawaiian Society of Naturopathic Physicians and the Board of Examiners in Naturopathy in favor of the bill. The Department testified that it is apparent from the report of the Legislator Auditor and the Department's experiences that the practice of naturopathy poses significant potential risks to the public and that continued licensing may present more harm than benefit to the public.

Your Committee finds that the practice of naturopathy does pose a significant risk to the public. Clearly, the incompetent practitioner can cause considerable and significant harm to the health, safety and welfare of consumers.

Accordingly, your Committee finds that the Board of Examiners in Naturopathy must closely adhere to the recommendations set forth in Auditor Report No. 85-8 in the next two years or face the prospect of being sunsetted.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 198, 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. 946 Consumer Protection and Commerce on S.B. No. 190

The purpose of this bill is to amend Section 487-5, Hawaii Revised Statutes, to expressly provide that consumer complaints received by the Office of Consumer Protection be available for review by the general public, with limited exceptions.

Your Committee received testimony from the Office of Consumer Protection in favor of the bill. The Office testified that the bill provides that consumer complaints may not be made available for public review if the Office of Consumer Protection is investigating, reviewing or taking legal action based on the complaints, or if the complaints have been referred to another state agency. The first exception is intended to preclude the release of incomplete information which may unfairly injure a respondent, and to avoid interference with the Office's investigative and legal efforts. The second exception recognizes that state agencies have varied practices regarding the availability of complaint records for public inspection. If the Office of Consumer Protection refers a complaint to another state agency for appropriate action, it seems reasonable to defer to that agency to determine whether the complaint records should be made available for public review.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 190 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 947 Consumer Protection and Commerce on S.B. No. 556 (Majority)

The purpose of this bill is to revise the current regulation of port pilots by eliminating the Board of Pilot Commissioners (Board). Further, this bill would allow the Director of the Department of Commerce and Consumer Affairs (DCCA) to handle the regulation of Chapter 462A, Hawaii Revised Statutes.

Your Committee received testimony from the DCCA in favor of the bill.

Your Committee finds that there is a need for the regulation of pilotage. The

practice of pilotage presents significant danger to the health, safety and welfare of our State. Your Committee finds, however, that the Board has failed to meet the purposes established by the Legislature in creating the Board. Further, the abuse of the intent of such enabling legislation, as reported in the Auditor Report No. 85-9, can only be remedied by the elimination of the Board.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 556, 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.
(Representative Apo did not concur.)

SCRep. 948 Consumer Protection and Commerce on S.B. No. 230

The purpose of this bill is to include motor vehicle service warranty or guaranty contracts within the definition of vehicle insurance.

Your Committee was informed that the vehicle service contract concept had its beginning in the late 1960's as the automakers moved away from the five-year/50,000 mile extended warranty plans and began to supply limited coverage. The vehicle service contract, which protects car owners beyond the manufacturer's warranty period, filled this void.

It quickly became one of the most popular aftermarket products. Total sales of vehicle service contracts increased from 250,000 in 1974, to more than 3.7 million in 1983.

One of the principal reasons for this dramatic increase in service contract sales has been the dramatic rise, particularly since 1978, in the cost of repairs and maintenance of an automobile. In spite of the recent "boom" within the automotive industry, consumers are holding on to their cars longer and longer. During the fiscal year ending June 30, 1983, American's kept their older models longer than at any time since 1950. The median age of the U.S. automobile population hit 6.5 years in 1983, up from 5.1 years in 1973.

Repairs two, three and four years down the road are inevitable as manufactured products continue to become increasingly complex. The costs of repairs are rising. It is not at all unusual to find flat labor rate charges in excess of \$50 per hour. A vehicle service contract allows a consumer to pay up front and freeze the cost of future insured repairs, thereby enhancing the contract's utility and popularity during a time of rising repair costs.

This bill requires the maker of a motor vehicle service warranty contract to obtain an insurance policy to provide additional protection of consumers upon any failure of the guarantor to perform the contracted services.

Your Committee heard testimony from the Department of Commerce and Consumer Affairs and the American Warranty Corporation in support of this bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 230, 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. 949 Consumer Protection and Commerce on S.B. No. 203

The purpose of this bill is to amend Section 444-11, Hawaii Revised Statutes, to delete the invalid and unconstitutional residency requirement from the contractors license law.

Your Committee heard testimony in favor of the bill from the Contractors License Board. The Board testified that current statute requires that no contractors license be issued in certain instances unless the person has been a resident of the state for a prescribed length of time. Durational residency requirements have been held by the courts to be unconstitutional. Although the Contractors License Board has not been imposing the residence requirement since the court ruling and the Attorney General's advice of June 6, 1972, the law should be amended to

delete this provision.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 203 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 950 Consumer Protection and Commerce on S.B. No. 182

The purpose of this bill is to amend Section 514E-10, Hawaii Revised Statutes, which sets forth the registration requirement for time share companies in the State, by 1) deleting the present \$10,000 bonding requirement for time share acquisition agents and plan managers and instead authorizing the Director of the Department of Commerce and Consumer Affairs to adopt rules establishing a more adequate bonding requirement for these time share operators; 2) extending the requirement to cover the activities of time share acquisition agents as well; 3) specifying that this bonding requirement is to be separately applicable to each time share plan with which an acquisition agent, plan manager or exchange agent is registered; and 4) clarifying the Department's registration procedures in requiring that a separate application be submitted for each time share plan with which an acquisition agent, sales agent or plan manager is affiliated.

Also, this bill would extend the period for cancellation of a time share contract by either party from five to seven calendar days, and expressly provide that notice to cancel a time share contract is effective upon mailing or delivery of the notice of cancellation to the other party.

Your Committee received testimony from the Department of Commerce and Consumer Affairs in support of this bill. Although the bonding requirement imposed by Section 514E-10, Hawaii Revised Statutes, is intended to cover any violation or default of an acquisition agent or plan manager or any of their employees of the duties and responsibilities under each position, it has been the experience of the Department that the present \$10,000 bond required is insufficient to provide adequate protection to purchasers who may suffer loss as a result of any potential violation, particularly where a substantial number of purchasers is involved. Additionally, as presently worded, the statute does not clearly impose this requirement for each time share plan with which the acquisition agent or plan manager is registered. Thus, a plan manager providing management services for several time share plans would only be required to post a single \$10,000 bond to cover its activities with respect to each of these plans. In the event the plan manager is found to have committed any wrongful or criminal act or omission affecting one or more of these plans, the \$10,000 amount of the bond may very well prove to be inadequate to afford purchasers under each plan the relief which they may request. The Department feels, therefore, that the Director should be permitted to determine the nature of the bond required, as well as the amount of the bond, so as to provide reasonable and, to every extent possible, adequate protection to time share purchasers.

Your Committee also received testimony from the Office of Consumer Protection and the Waikiki Improvement Association in support of this bill. The Office of Consumer Protection notes that the Regulated Industries Complaints Office ("RICO") within the Department has received a significant number of consumer complaints against time share developers or sales agents alleging the failure of these companies to make refunds to consumers after receiving valid notices of cancellation. These complaints suggest that the five-day mutual cancellation period presently required by Section 514E-8, Hawaii Revised Statutes, may be inadequate, particularly as time share sales solicitations appear to be primarily directed toward visitors. These visitors are unlikely to review voluminous disclosure and sales materials describing the time share interests being offered for sale by the developers or sales agents during their visit here. Even if a visitor promptly reviewed the disclosure statement and sales contract upon the visitor's return home, the five calendar days may have already passed. The problem of an inadequate cancellation period is compounded when the consumer is not verbally informed of the right to rescind the contract at the time the consumer signs the contract, as alleged in some consumer complaints received by RICO, and the extension of the cancellation period from five to seven calendar days may alleviate this concern.

Finally, your Committee received a proposal to amend Sections 514E-10 and 514E-27, Hawaii Revised Statutes, to provide that a lease of a single time share

unit which is not a condominium or cooperative apartment should be treated the same as a lease of a condominium or cooperative apartment with respect to blanket lien protection. In the alternative, the proposal would require the Director of the Department of Commerce and Consumer Affairs to determine whether a purchaser whose time share interest is subject to an apartment lease of a single time share unit which is not a condominium or cooperative apartment has the same protections, risks and benefits as a purchaser of a time share interest which is subject to a condominium or cooperative apartment lease.

Your Committee has been advised that this issue has arisen as a result of a concern regarding a highly technical interpretation of Section 514E-27, Hawaii Revised Statutes, with respect to a proposed time share project. The developer for the project has argued that a lease of a single time share unit which is not a condominium apartment or cooperative apartment is similar in nature to an apartment lease demising a single condominium or cooperative apartment and should therefore be similarly regarded with respect to blanket lien protection. The Department has indicated, however, that while the developer's position may be valid and the practical risks to the purchasers are the same, the Department is concerned that the time share statute in its present form, construed in its most technical and restrictive sense, may not directly address this issue. The Department did not oppose or support the proposed amendments to Section 514E-10 and 514E-27, Hawaii Revised Statutes.

Your Committee determined that no amendment of Section 514E-10 or 514E-27, Hawaii Revised Statutes, is necessary under these circumstances. Sections 514E-19 and 514E-27, Hawaii Revised Statutes, were enacted to protect purchasers from blanket liens and to provide flexibility in arriving at the manner of doing so. The fact that Section 514E-27, Hawaii Revised Statutes, refers only to Section 514E-19, Hawaii Revised Statutes, and does not cross-refer to Section 514E-10, Hawaii Revised Statutes as well, does not mean that the meaning of the term "blanket lien" as defined in Section 514E-10, Hawaii Revised Statutes, should not be taken into account in applying Section 514E-27, Hawaii Revised Statutes. To the contrary, where words are defined in a statute, the express statutory declaration of their meaning must be taken into account in construing every portion of that statute unless otherwise provided in it. See Pan Am, Air. Co. v. Godbold, 36 Haw. 170, 177 (1942), citing Assessor v. C. Brewer & Co., 15 Haw. 29, 34 (1903); Hawaiian Trust Co. v. Borthwick, 34 Haw. 493 (1938); and Fox v. Standard Oil Co., 294 U.S. 87, 95. Also, the express intent of Section 514E-27, Hawaii Revised Statutes, is to permit the use of alternative proposals to protect purchasers from blanket liens--methods other than those described in Section 514E-19, Hawaii Revised Statutes, in determining whether such proposals give the purchasers rights and remedies affording equivalent benefits and protection at least comparable in scope though not necessarily in nature to those designed to be afforded by Section 514E-19, Hawaii Revised Statutes. The Director must take into account the risks which are permitted and those which are prohibited under Section 514E-19, Hawaii Revised Statutes and, in doing so, the Director must take into account the general nature of risks prohibited or permitted by Section 514E-19, Hawaii Revised Statutes, by reason of the definition of "blanket lien" in Section 514E-10, Hawaii Revised Statutes. Interpretation of Section 514E-27, Hawaii Revised Statutes, in accordance with the most restrictive possible construction of the statute is contrary to the "reason and spirit of the law and the cause which induced the legislature to enact it." (Section 1-15(2), Hawaii Revised Statutes). See G.J. Hawaii, Ltd. v. Waipouli Development Co., 57 Haw. 557, 560 P.2d 490 (1977).

Your Committee finds that in applying Section 514E-27, Hawaii Revised Statutes, a condominium or cooperative apartment lease should be treated the same as an apartment lease of a single time share unit which is not part of a condominium or cooperative apartment, and that a purchaser whose time share interest is subject to such an apartment lease has the same protections, risks and benefits as one whose time share interest is subject to a condominium or cooperative apartment lease for purposes of Section 514E-27, Hawaii Revised Statutes.

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

Signed by all members of the Committee except Representatives Hashimoto, Menor, Taniguchi and Tungpalan.

SCRep. 951 Consumer Protection and Commerce on S.B. No. 197

The purpose of this bill is to remove the requirement that the executive secretary for the Motor Vehicle Repair Industry Board have knowledge of and experience in the repair of motor vehicles.

Presently, the motor vehicle repair licensing law provides that the executive secretary serving the Board have knowledge and experience in repairing motor vehicles. An executive secretary with this knowledge and background who was hired when the law was established in 1975 retired recently.

Your Committee heard testimony from the Motor Vehicle Repair Industry Board in favor of the bill. The Board testified that with the creation of the Department of Commerce and Consumer Affairs' Regulated Industries Complaints Office (RICO), all complaints relating to motor vehicles are directly referred to RICO. Accordingly, the first knowledge that an executive secretary has to a complaint is when it has already been heard before a hearings officer, who subsequently presents his findings and recommendations to the Board. The Board therefore concluded that, with this new complaint procedure, it is not essential that an executive secretary serving the Board have knowledge and experience in repairing motor vehicles.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 197 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 952 Consumer Protection and Commerce on S.B. No. 1178

The purpose of this bill is to amend Chapter 467, Hawaii Revised Statutes, to provide an exemption to the statutory requirement that a person have a real estate broker or salesmen license when managing, renting, or operating a hotel.

A Committee, comprised of representatives from the Hawaii Association of Realtors, the Hawaii Hotel Association, the American Society of Travel Agents, the Institute of Real Estate Management, and others, concluded that the licensing of sole proprietors, partnerships and corporations, operating, managing, or renting condominiums/hotel units minimizes any damage caused by such business' mismanagement or mishandling. They found that the injured condominium owner or consumer could be compensated for damages through other means, such as the Real Estate Recovery Fund or the bond required by this bill.

Your Committee heard testimony from the Real Estate Commission, the Hawaii Hotel Association and the Hawaii Association of Realtors in favor of the bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1178, 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. 953 Consumer Protection and Commerce on S.B. No. 961

The purpose of this bill is to amend Chapter 403, Hawaii Revised Statutes, relating to banks, to close a "loophole" in the interpretation by the Comptroller of the Currency of the definition of a traditional bank. This bill would also prohibit all in-state and out-of-state bank holding companies and other holding companies from acquiring or controlling nonbank financial corporations.

Your Committee received favorable testimony from the Department of Commerce and Consumer Affairs, the Hawaii League of Savings Institutions and the Hawaii Bankers Association. The Department stated that the Conference of State Bank Supervisors upholds the right of states under the dual banking institutions within their territorial jurisdiction and to regulate the activities of holding companies which control such institutions.

Currently, there are some holding companies and nonbank financial corporations which claim that institutions chartered and operated as banks are, nevertheless, not banks under the federal Bank Holding Company Act if they either do not

accept demand deposits or do not make commercial loans. These companies are seeking to acquire and operate hundreds of chartered banks throughout the country without regard to the prudential limitations contained in Sections 3 and 4 of the Act--including the prohibition in the Douglas Amendment (Section 3(d) of the Act) against interstate acquisitions of banks without state authorization. Unless the expansion of nonbank banks is halted, the fundamental policies of the Act, which are to prevent the undue concentration of banking resources and commercial activities and to control the interstate expansion of banking institutions, will be severely eroded or destroyed.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 961, 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. 954 Consumer Protection and Commerce on S.B. No. 1136

The purpose of this bill is to add another ground for the revocation and suspension of a real estate license and to allow the Real Estate Commission to exercise disciplinary measures against a licensee who violates Chapter 467, Hawaii Revised Statutes, while acting on his behalf.

Your Committee received testimony from the Real Estate Commission and the Hawaii Association of Realtors in favor of the bill. The Commission testified that extending the Commission's disciplinary powers to a licensee's personal real estate transaction would reinforce its interpretation of Chapter 467, Hawaii Revised Statutes, which when read in its entirety would provide no justification for a licensee to be honest as a licensee and to be dishonest as a property owner.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1136 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 955 Consumer Protection and Commerce on S.B. No. 457

The purpose of this bill is to allow large condominium associations to reduce the number of directors below a minimum of nine by means of a mail ballot of owners, rather than a secret written ballot.

Present law requires that condominiums with one hundred or more individual units shall have a minimum of nine directors. Should the association want to reduce the minimum to a number less than nine directors, the law requires that not less than seventy-five percent of all apartment owners vote by "secret written" ballot, at a special or annual meeting of the owners to reduce the number of directors.

Your Committee received testimony from the Hawaii Association of Realtors and the Hawaii Council of Associations of Apartment Owners.

Your Committee recognizes that the greater the number of directors the greater the opportunity for owner participation in managing the affairs of a condominium. However, your Committee is aware that certain condominium projects have experienced difficulty in obtaining the minimum number of directors, thereby causing difficulties in managing the project. This bill would allow such projects to more easily reduce the number of directors required.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 457, 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. 956 Consumer Protection and Commerce on S.B. No. 668

The purpose of this bill is to clarify the effect of Act 167, Session Laws of

Hawaii 1983, entitled the Hawaii Business Corporation Act (the "Act"), on existing articles of incorporation and bylaws of Hawaii corporations.

Currently, the Act expressly states the intention of the legislation not to impair any valid right or action taken by any Hawaii corporation prior to the effective date of the Act, but is unclear as to whether presently valid provisions of articles of incorporation or bylaws are preserved if such provisions conflict with provisions of the Act.

Your Committee on Consumer Protection and Commerce finds that the bill should clarify the intended effect of the Act by providing that the validity of any provision of the articles of incorporation or bylaws adopted by any Hawaii corporation prior to the effective date of the Act will not be impaired nor affected.

Your Committee heard testimony in favor of this bill from the Department of Commerce and Consumer Affairs, Amfac, Inc. and Pacific Resources, Inc.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 668 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 957 Finance on S.B. No. 245

The purpose of this bill is to provide an appropriation of \$636,900 to the legislative reference bureau to publish replacement volumes of the Hawaii Revised Statutes.

The bill authorizes the revisor of statutes to suspend publication of the 1985 supplement and to prepare for publication, as expeditiously as possible, replacement volumes of the Hawaii Revised Statutes.

Your Committee agrees that a republication is necessary to make it easier to read laws, especially for persons not accustomed to using the statutes.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 245 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 958 Finance on S.B. No. 141

The purpose of this bill is to amend section 304-8.4, Hawaii Revised Statutes, by adding language necessary to include equipment user fees and equipment purchase costs under the provisions of this section.

Your Committee finds that through the vocational and technical training projects revolving fund, vocational students are provided actual production opportunities. However, heavy student use of production equipment combined with rapid and frequent equipment innovation, rapidly shortens the useful life of production equipment.

Your Committee agrees that this bill would assist the University in optimizing the learning experience it presently furnishes vocational students at the community colleges by providing a revenue source, in addition to general fund support, to be disbursed for equipment replacement costs. Your Committee further finds that the amendment of section 304-8.4, Hawaii Revised Statutes, in the manner proposed by this section is appropriate in light of the desirability of providing vocational students with state-of-the art learning experience.

Your Committee on Finance, is in accord with the intent and purpose of S.B. No. 141, S.D. 1 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 959 Finance on S.B. No. 663

The purpose of this bill is to modify, update, and clarify Chapter 672, Hawaii Revised Statutes, relating to Design Professional Conciliation Panel. Among other things, the bill requires a claimant to certify that a design professional acknowledges that a legitimate negligence claim exists; increases the compensation of panel members; provides for a determination by the circuit court that the dispute is unsuitable for review by the panel; and includes landscape architects within Chapter 672, Hawaii Revised Statutes.

Your Committee agrees that the current statute is in need of substantial revision. This bill adds a definition of "Entities employing design professionals" to the statute to allow design panel claims against professional corporations or other business structures under which design professionals may practice, as set forth in section 464-12 of Hawaii Revised Statutes, and does not include non-design professional entities such as the counties and the State, which was the original intent of the 1973 Legislature in adding the phrase "entities employing such design professionals". Your Committee is aware that this matter has been raised in the Third Circuit Court of the State of Hawaii in Busching V. Subaru of America, Inc., et al., Civil No. 8900, where the court ruled in a manner consistent with the original legislative intent of the 1973 amendment. The addition of the definition of "Entities employing design professionals" as contained in this bill will prevent unnecessary litigation of this matter and will conform to the original intent of the Legislature.

Your Committee also agrees that the panel process is facing a substantial number of cases for which that process is clearly inappropriate. A case such as the Aloha Stadium steel litigation, as well as slip-and-fall and highway design cases are examples of matters which were never intended to go before these panels and the panel process has served merely to frustrate and delay such litigation. This bill provides that the parties may seek a determination from the circuit court that a case is unsuitable for handling by the panels. That provision should result in a substantial revision of the panel's current and future docket and permit the panel process to concentrate on cases which can be handled by an informal mechanism.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 663, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 960 Finance on S.B. No. 154

The purpose of this bill is to authorize the Hawaii Community Development Authority to issue \$15,000,000 of revenue bonds to finance the development of public facilities in Kakaako.

Under Chapter 206E, Hawaii Revised Statutes, the Hawaii Community Development Authority is required to plan, locate, and develop public facilities to support the development of the Kakaako Community Development District. Of immediate concern to the Authority is the development of public parking garages. These parking facilities would encourage a walk-to-work community and the development of smaller properties by private owners who are unable to provide the minimum amount of parking due to the size of their lots. Further, the provision of public parking will support major private development in the district and relieve the area of current hazardous conditions created by the lack of on-street parking.

Your Committee finds that the Authority lacks sufficient economic resources to provide public parking structures and other necessary facilities. By receiving authorization to use revenue bonds for public facilities, in general, rather than specifying a particular facility, such as parking structures, the Authority is given the flexibility needed to structure revenue bond financing.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 154, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 961 Finance on S.B. No. 155

The purpose of this bill is to provide enabling legislation for the various

counties to establish tax increment districts and to authorize the counties to issue tax increment bonds to finance the costs of infrastructure and public improvements in such districts.

The legislature last year recognized tax increment financing as an innovative financing method, that may be utilized by county redevelopment agencies or the Hawaii Community Development Authority, and passed a bill similar to S.B. No. 155. The bill, however, was vetoed by the Governor because of concerns that the bill could have resulted, if enacted, in adverse financial impacts on the counties. Your Committee notes that this bill alleviates those concerns by:

(1) Requiring the submittal of the tax increment financing plan to the respective county departments of finance and budget for their review and comments on financial matters; and

(2) Allowing the director of finance to establish an adjustment rate, or rates, to allocate the tax increment amounts to enable the counties to be compensated for inflationary increases and projected cost increases for servicing new developments in the tax increment district.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 155, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 962 Finance on S.B. No. 162

The purpose of this bill is to allow the Natural Energy Laboratory of Hawaii to establish, manage, and operate natural energy research facilities as may be appropriate at various sites.

The Natural Energy Laboratory of Hawaii is presently limited to the management and operation of an outdoor research facility on a parcel of state-owned land at Ke-ahole Point on the island of Hawaii. This restriction inhibits the development and expansion of energy projects that may become appropriate in the future. This bill will allow the flexibility necessary to accommodate future expansion if and when it becomes appropriate.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 162, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 963 Finance on S.B. No. 1195

The purpose of S.B. No. 1195, S.D. 1, is to authorize the issuance of special purpose revenue bonds of the State of Hawaii in accordance with Chapter 39A, Part VI, Hawaii Revised Statutes, in an amount not to exceed \$9.4 million, for projects to be undertaken by Citizens Utilities Company (Kauai Electric Division).

Your Committee finds that securing adequate funding at a reasonable interest rate for capital expenditures is a major concern to both the utility company and its ratepayers. Accordingly, special purpose revenue bonds will allow the utility company to construct needed facilities at a significantly lower cost which ultimately represents a savings for ratepayers.

Your Committee notes that the Public Utilities Commission will annually report to the Legislature of the progress, under this bill, in reducing electric utility financing costs.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1195, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 964 Finance on S.B. No. 1274

The purpose of this bill is to amend Section 467-11, Hawaii Revised Statutes, to

increase the amount contributed to the real estate education fund from \$5 to \$20. Also, beginning July 1, 1987, the bill provides for a temporary moratorium on real estate renewal contributions if the real estate education fund balance exceeds \$1,200,000 at the end of any fiscal biennium.

Your Committee finds that the proposed amendments are part of the recommendations resulting from a study conducted by the REC in response to Senate Resolution No. 158 and House Resolution No. 389, H.D. 1 (1984).

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1274, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 965 Finance on S.B. No. 1350

The purpose of this bill is to amend Section 206E-20, Hawaii Revised Statutes, to enable the Hawaii Community Development Authority (HCDA) to file an action in the Hawaii Supreme Court and to specifically vest the Supreme Court with original jurisdiction over such action.

Pursuant to Chapter 206E, Hawaii Revised Statutes, HCDA is required to develop a district-wide improvement program for designated redevelopment districts, such as Kakaako. Under this program, HCDA is required to implement needed public improvements and to assess a portion of the improvement costs against the real properties which specifically benefit from the improvements. For any property owner who elects to pay an assessment in installments, the unpaid assessment amount would be secured by a lien against the property, and HCDA would issue Improvement District (ID) assessment bonds to provide the funds necessary for construction.

Under Article VIII, Section 3, of the Hawaii State Constitution, the power to tax real property is exclusively reserved to the counties. In view of this, there is a legal question as to whether the proposed ID assessments of HCDA, which are to be secured by liens against real property, could be construed to be a form of real property taxation and, therefore, in conflict with this constitutional provision.

In an effort to resolve this issue, the State's bond counsel and the Office of the Attorney General have done considerable research of the State Constitution, the Hawaii Revised Statutes, and relevant judicial determinations. Based on their findings to date, however, they are unable to make a definitive conclusion that an ID assessment is clearly not a form of real property taxation. As such, it has been determined by bond counsel that a ruling from the State of Hawaii Supreme Court may be necessary to fully resolve this matter.

This bill would allow HCDA to file for a ruling directly from the Supreme Court without the need to involve any of the lower courts. This would mean a reduction of time and expenses to the lower courts and HCDA, since it is conceivable that, without this amendment, HCDA would be required to file an action and obtain rulings from the Circuit Court and Intermediate Appellate Court before being heard by the State Supreme Court.

Your Committee is of the opinion that, in consideration of the substantial benefits to be realized from the redevelopment activities of HCDA, it is important that the Authority be provided with the means to proceed in an expeditious time frame. Further, your Committee finds that declaratory relief is the most efficient means of obtaining a ruling from the courts. The rules of the State Supreme Court, however, preclude declaratory relief for actions regarding tax matters, and this preclusion could deny HCDA the right to obtain declaratory relief on certain actions, such as the ability of the Authority to secure ID assessments by liens against real property. Therefore, your Committee is in agreement with the bill's provision which would enable HCDA to obtain declaratory relief for any action with respect to the validity of Chapter 206E, Hawaii Revised Statutes.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1350, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 966 Finance on S.B. No. 1351

The purpose of this bill is to make two amendments to Section 206E-1, Hawaii Revised Statutes.

The first amendment of the bill provides an additional finding by the Legislature that the Hawaii Community Development Authority's redevelopment activities and the issuance of bonds to finance public improvements are of public interest and of state-wide concern. The second amendment provides clarifying language that an assessment levied by the Authority against real property shall not constitute a tax on real property.

Pursuant to Chapter 206E, Hawaii Revised Statutes, the Authority is required to develop a district-wide improvement program for designated redevelopment districts, such as Kakaako. Under this program, the Authority is required to implement needed public improvements and to assess a portion of the improvement costs against the real properties which specially benefit from the improvements. For any property owner who elects to pay an assessment in installments, the unpaid assessment amount would be secured by a lien against the owner's property, and the Authority would issue Improvement District (ID) assessment bonds to provide the funds necessary for construction.

Under Article VIII, Section 3, of the Hawaii State Constitution, the power to tax real property is exclusively reserved to the counties. In view of this, there is a legal question as to whether the proposed ID assessments of the Authority, which are to be secured by liens against real property, could be construed to be a form of taxation of real property and, therefore, in conflict with this constitutional provision.

In an effort to resolve this issue, the State's bond counsel and the Office of the Attorney General have done considerable research of the State Constitution, the Hawaii Revised Statutes, and relevant judicial determinations. Based on their findings to date, however, they are unable to make a definitive conclusion that an ID assessment is clearly not a form of real property taxation. As such, it has been determined that a ruling from the State of Hawaii Supreme Court would be necessary to fully resolve this matter.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1351, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 967 Finance on S.B. No. 1392

The purpose of this bill is to authorize the department of budget and finance to issue special purpose revenue bonds in the amount of \$4,600,000, the proceeds of which are to be utilized by Wahiawa General Hospital.

The sum would be used to correct existing code deficiencies and accommodations not conforming to current standards, and to modernize the hospital's obstetrical service, replace the surgical suite and refurbish the radiology facility. These expenditures represent the last major component of the hospital's building program.

Wahiawa General Hospital is the major provider of health care services to the people of the Wahiawa area and this bill will result in considerable cost savings not only to the hospital but also to the community at large.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1392 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 968 Finance on S.B. No. 1397

The purpose of this bill is to extend for an additional year the State of Hawaii Land Evaluation and Site Assessment (LESA) Commission, which was established by Act 273, Session Laws of Hawaii 1983, with a termination date at the adjournment sine die of the Regular Session of 1985.

The LESA Commission submitted a draft report to the Legislature in February, 1985, which contained a "provisional" inventory of important agricultural lands, the methods by which such lands have been designated and classified, and a process to further refine or adjust the classification to meet changing community needs, goals, and objectives. The Commission, however, recommended that (1) the site assessment criteria be adopted only in principle in order to allow future testing and verification of their validity, (2) the important agricultural lands inventory not be adopted until each of the counties has had the opportunity to test and evaluate the inventory for a two-year period, and (3) the Commission be authorized to continue its functions for one more year to coordinate the testing and evaluation of the LESA system.

Your Committee is in agreement with the intent and purpose of this bill; however, you Committee recommends the following guidelines for the Commission's activities during the proposed one-year extension, in addition to tasks outlined in Act 273:

(1) To recommend standards and criteria which are needed to change the designation of "important agricultural lands" to urban or other uses;

(2) To examine and recommend how the proposed LESA system can be integrated with the present legal framework to amend or modify state land use districts; and

(3) Given the possible result that two categories of "agricultural lands" be established as a consequence of implementing the contemplated LESA standards, criteria, and procedures -- "important agricultural lands" and "other than important agricultural lands" -- to recommend the appropriate agency or agencies which should be responsible to administer permitted uses, subdivisions, etc., on "important agricultural lands"; and to recommend the agency or agencies which should similarly administer "other than important agricultural lands".

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1397, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 969 Finance on S.B. No. 1443 (Majority)

The purpose of this bill is to (1) specify that referral by, direction by, or prescription of services by another health care practitioner not be required for psychologist; (2) include psychologist in the definition of medical care for medicaid reimbursement purposes; and (3) to include licensed psychologists with psychiatrists in the determination of mental impairment.

Your Committee also finds that participation of psychologists without physician referral or supervision under the medicaid program is not prohibited by federal law or regulation if the services are performed in accordance with state law. Congress in the Deficit Reduction Act (DEFRA) authorized health maintenance organizations participating in the Medicare program to reimburse the services of psychologists without the supervision or referral of a physician. Thus, your Committee finds that enactment of this bill will not prohibit the payment of federal Medicaid funds for the services of psychologists.

Your Committee finds that the state has the authority to define "medical necessity" and to include the services of a licensed psychologist in the definition of medical care. Psychologists are trained and qualified to work closely with physicians in the determination of medical necessity, and mental impairment. Your Committee believes that psychologists provide a valuable service in meeting the health care needs of the people in our State and therefore acts favorably in support of this bill.

Your Committee finds that the previous requirement of physician referral has proven to be a detriment to the public health, safety and welfare of its citizens. Several deaths have resulted from the inability of citizens to have direct access to psychologists.

Your Committee further finds that the services of psychologists are more cost effective than those of physicians and that these services have been shown to reduce overall medical utilization costs. Your Committee believes that a more

accessible, less costly health care system is a desirable public policy objective and that psychologists, in their area of expertise, should have complete parity with physicians.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1443, S.D. 1, and recommends that it pass Third Reading.

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

SCRep. 970 Finance on S.B. No. 36

The purpose of this bill is to compensate victims of certain crimes and providers of services under the criminal injuries compensation act and to provide an appropriation to replenish the fund from which payments are made.

Your Committee recognizes the tremendous worth of this program which was established in 1967. In 1984, 338 persons, including victims and providers of services, were awarded compensation. The total appropriation of \$386,240.11 made by this bill is approved by your Committee.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 36, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 971 Finance on S.B. No. 112

The purpose of this bill is to amend provisions relating to the notification of change in restrictions on use, sale and transfer of Hawai'i Housing Authority (HHA) dwelling units.

Section 359G-9.4, HRS sets forth specific requirements regarding notification by HHA (or any other State department or county housing agency) to all purchasers of any change in "buy-back" restrictions made by law, ordinance, rule or regulation. The statutes, however, are unclear as to how such notification must be made.

HHA practice is to mail out letters to all purchasers, informing them of any changes made to the buy-back provision. This has been a very costly process, involving not only postage expenses, but many man-hours of labor, as well.

The procedure set forth in this bill would require the publication of such a change in a newspaper of general circulation for state agencies and in county newspapers for county agencies. This notification would be published a minimum of three times, and would be required only when there are substantial changes or amendments to the buy-back provisions.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 112, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 972 Finance on S.B. No. 82

The purpose of this bill is to provide greater financial support for the maintenance of lands under the control of the board of land and natural resources, by increasing the maximum amount of expenditures from the special land and development fund for incidental maintenance from \$100,000 to \$200,000 annually.

Your Committee is of the opinion that the maximum amount should be increased from \$100,000 to \$200,000 annually, particularly for stream maintenance and other activities to reduce the likelihood of potential litigation.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 82, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 973 Finance on S.B. No. 6

The purpose of this bill is to make the position of researcher in the Office of Collective Bargaining subject to the civil service merit system and to grant civil service status to the incumbent of the position.

The current law provides that the Governor shall appoint and remove the researcher as well as the chief negotiator and the deputy negotiators, all of whom shall not be subject to Chapters 76 and 77, HRS.

In 1977, Act 191 extended civil service coverage to other nonpolicy-making staff positions in the Office of Collective Bargaining, but the researcher's position was left out. Your Committee believes that no rational basis for not extending civil service coverage to the researcher. The chief negotiator should have a competent, experienced, specialized and knowledgeable permanent staff available on a continuous basis to provide staff support to the management negotiators. Public sector negotiations require knowledge of government operations, statutes, civil service and compensation rules and regulations, and policies in general which can only be acquired over a period of time. Since the employer negotiators can change with the change in chief executives of the State and county jurisdictions, continuity and permanence in the nonpolicy-making support staff is crucial to effective negotiations.

Your Committee finds that a permanent staff in the Office of Collective Bargaining is necessary to assure continuity in labor relations regardless of the political changes which may occur among the policy-making ranks. Providing civil service status to the researcher who supports not only the Chief Negotiator but also all other employers representatives including the county governments will add to assuring continuity in staff support for labor relations.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 6, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 974 Finance on S.B. No. 165

The purpose of this bill is to support the development of private parking structures in the Kakaako Community Development District, by specifically including parking facilities in the definition of projects which qualify for special purpose revenue bond financing.

Since the overall development of Kakaako has far-reaching social and economic benefits to the State, your Committee supports this bill which provides a necessary means of financing development activities of the Hawaii Community Development Authority.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 165 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 975 Finance on S.B. No. 187

The purpose of this bill is to amend Section 92-17, Hawaii Revised Statutes, to allow boards and commissions to recover the cost of publishing a hearing notice when service by registered or certified mail to the licensee's address of record is unsuccessful.

Your Committee finds that under current procedures, when a petition to discipline a licensee is filed, a notice is mailed to the address of the licensee, as listed on the licensing record. On a number of occasions, licensees have refused to accept notice by certified mail, and the department of commerce and consumer affairs has ultimately had to publish notice of the hearing in the newspaper. The department believes that it is the duty of every licensee to address consumer complaints that are filed. Refusal by licensees to accept delivery of notice of hearing by certified mail should result in a penalty calling for payment of the costs of publication of notice.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 187 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 976 Finance on S.B. No. 100

The purpose of this bill is to correct overbroad language in the statutes regarding general excise tax exemptions for persons and firms involved with the production of low- and moderate-income housing.

During the 1983 legislative session, the State Legislature passed H.B. No. 1061, H.D. 1, (Act 223, SLH 1983), which provided general excise tax exemptions to persons and entities who contribute toward the development, construction, or occupancy of government assisted housing. The intent of Act 223, SLH 1983, was to provide an economic incentive to the private sector to encourage the building of new housing projects. The Hawaii Housing Authority, however, testified that its staff received numerous telephone inquiries indicating that the statutes as currently drafted, would allow existing government assisted projects (most of which are receiving Section 8 subsidies) with a financial windfall without any corresponding benefits accruing to the projects' present tenants, nor to any governmental body.

This bill clarifies the intent of the general excise tax waiver, and narrows its scope to the following types of projects:

- (1) Newly constructed or rehabilitated projects developed with Hawaii Housing Authority or county assistance; and
- (2) Existing low- and moderate-income housing projects receiving government assistance and which rents and operations are controlled under a regulatory agreement with a governmental body, provided such projects are approved and certified by the Authority on an annual basis.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 100 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 977 Finance on S.B. No. 73

The purpose of this bill is to add a new category of people who may be involuntarily hospitalized at a psychiatric facility, namely those who are "gravely disabled."

While current law provides for the involuntary hospitalization of those who are mentally ill or suffering from substance abuse, as well as those who are imminently dangerous to themselves and to others, your Committee believes that, where a person is in need of care or treatment, and where there is no suitable alternative available through existing facilities and programs less restrictive than hospitalization, and additional category of people, those "gravely disabled", should likewise be afforded psychiatric treatment, by means of involuntary hospitalization.

Your Committee finds that the requirements for commitment of those "gravely disabled" are, in fact, precise. If the State satisfies the trier of fact that:

- (1) the individual is unable to provide for his/her basic personal needs; and
- (2) the individual is unable to make rational decisions concerning his/her personal welfare; and
- (3) the individual lacks the capacity to understand that this is so; and
- (4) all of the above are the result of a mental disorder, evidence of which is required at the commitment hearing by expert medical testimony; and further
- (5) that there is no suitable alternative available through existing facilities and programs less restrictive than hospitalization,

then this individual can be involuntarily committed.

Your Committee believes that criminalizing persons who are ill and in need of psychiatric treatment as present circumstances dictate, is unfortunate and unwise public policy.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 73, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 978 Finance on S.B. No. 27

The purpose of this bill is to place the State Fire Council within the department of labor and industrial relations for administrative purposes.

Presently, the State Fire Council is not located or assigned administratively to any of the State's principal executive departments. As a result, there is some question as to whether the Council has been validly established in accordance with Section 6 of Article V of the State Constitution, which requires that all executive and administrative offices, departments and instrumentalities of the state government and their respective powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to common purposes as related functions.

Your Committee finds that this bill which places the State Fire Council in the department of labor and industrial relations for administrative purposes satisfies the constitutional requirements of state government organization and removes the possibility of any challenge to the validity of the Council or its actions.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 27, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 979 Finance on S.B. No. 69

The purpose of this bill is to reauthorize the department of health to regulate the systematic testing and screening of newborn infants for metabolic diseases.

This bill proposes the more appropriate placement of section 333-1, Hawaii Revised Statutes, which requires the testing of newborn infants for phenylketonuria and hypothyroidism, in chapter 321, part IV, Hawaii Revised Statutes, under the crippled children service branch program, since not all metabolic diseases lead to mental retardation. Further, it gives the department the authority to determine and test for other diseases that can lead to lifelong disability if not detected and treated.

Your Committee agrees that the ease of detection and remedy at infancy can prevent the terrible consequences of these diseases. Your Committee believes it to be a matter of high priority that testing be performed as effectively and universally as possible.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 69, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 980 Finance on S.B. No. 202

The purpose of this bill is to amend Section 453-6, Hawaii Revised Statutes, relating to fees and expenses of the Board of Medical Examiners in order to provide for (1) separate applications, examination and license fees where fees have not been separated; (2) fees for licensure by endorsement, limited and temporary licenses, and for renewal and restoration of licenses; (3) deletion from the statute of all wording specifying the amount of fees; and (4) addition of language to the effect that all fees are to be established by rule by the Director of the Department of Commerce and Consumer Affairs pursuant to Chapter 91, Hawaii Revised Stat-

utes. Twenty-six chapters of the Hawaii Revised Statutes pertaining to fees assessed or charged by boards and commissions which are placed in the Department of Commerce and Consumer Affairs were similarly amended by Act 7, Session Laws of Hawaii (1984).

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 202 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 981 Finance on S.B. No. 287

The purpose of this bill is to amend Section 206E-6, Hawaii Revised Statutes, to ensure that public facilities in Kakaako are designed and constructed to meet county standards.

The current statute requires the Hawaii Community Development Authority to obtain the consent of the county council before developing public facilities which will affect other public facilities owned or controlled by the county.

The intent of the law is to ensure that public facilities developed by the Authority, in particular infrastructure improvements, are properly designed and constructed and in good working condition for dedication to the county. Current language, however, may be interpreted to mean that a county council could prevent the development of public facilities financed through bonds issued by the Authority.

The Authority is required to follow statutory procedures to ensure that infrastructure improvements are properly designed and constructed. The additional step requiring the Authority to obtain the county council's consent before the development of public facilities is a processing step not required of any other department.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 287, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 982 Finance on S.B. No. 379

The purpose of this bill is to amend section 286-209, Hawaii Revised Statutes, relating to motor carrier vehicles, by increasing the fee charged for safety inspections required under this section from \$7 to \$12.

Your Committee finds that for the purpose of section 286-209, a motor carrier vehicle is a vehicle used in the transportation of persons or property in the furtherance of any commercial, industrial, or educational enterprise. Such vehicles are under the jurisdiction of the public utilities commission.

Your Committee also finds that the current fee of \$7 for motor carrier vehicle inspections was set in 1977. Your Committee further finds that under the proposed bill, the actual increase in inspection cost would amount to \$5 per inspection, or \$10 per year per vehicle.

Your Committee is of the opinion that the proposed increase merely reflects the increased cost of doing business as a result of inflation, and that such additional cost would not be detrimental to the commercial motor vehicle carriers affected.

Your Committee on Finance is in accord with the intent and purpose of S.B. 379, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 983 Finance on S.B. No. 426

The purpose of this bill is to expand the authority of the public employees' health fund board of trustees to contract for prescription drugs, vision treatment and care, and adult dental insurance through a statewide indemnity plan, a state-

wide service benefit plan, health maintenance organization plans, or, for prescription drugs and vision benefits, a combination of the plans.

This bill will allow the board of trustees to initiate studies for and formulate plans to provide public employees with better health care benefits. To date, the board of trustees has not considered these benefit improvements because the current law limits the board's authority to contract for prescription drugs (through our medical insurance carriers) and for children's dental insurance.

Your Committee concurs with the findings of the House Committee on Public Employment and Government Operations that this bill will enable the board of trustees to initiate cost studies for uniform benefit plan improvements which will be available to all public employees. The studies could lead towards the expansion and improvement of medical and health benefit plans for public employees which would be more consistent with prevailing community practices. The improved benefit plans, in turn, could enhance the State's and counties' ability to attract and retain a competent work force.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 426, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 984 Finance on S.B. No. 470

The purpose of this bill is to allow a lessee of a Hawaiian Home Lands homestead to mortgage the lessee's interest in a homestead lease.

Section 208 of the Hawaiian Homes Commission Act, 1920, as amended, does not permit a lessee to mortgage or pledge the lessee's interest in the homestead lease.

Mortgage lenders in Hawaii have been unwilling to make loans because of the non-alienation lease restriction in the Act, unless full guarantees are provided by the State. The absence of private financing restricts the ability of the Department of Hawaiian Home Lands to accelerate awarding lands to qualified native Hawaiians. In light of the State's current fiscal constraints and the impact that loan guarantees may have on the State's debt ceiling, furnishing State funds for loans or guaranteeing loans presents a significant concern.

Recent amendments to federal law now allow the U.S. Department of Housing and Urban Development (HUD) to insure loans made on homestead leases. Representatives from the Washington, D.C., offices of HUD, the local director of HUD, members of local lending institutions, and the Department of Hawaiian Home Lands staff have been meeting over a number of months to ascertain how homesteaders may be able to obtain loans through the federal program.

This bill amends Section 208 of the Act to allow a lessee to mortgage the lessee's interest in a homestead with a private bank, financial institution, or any other investor, provided that the loan is insured or guaranteed by a federal agency, such as HUD.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 470, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 985 Finance on S.B. No. 689

The purpose of this bill is to amend Section 37-111, HRS, to exempt members of the Council on Revenues from the provisions of Section 26-34, HRS, which limit the appointment of a member of a board or commission to two terms.

The Council is responsible for preparing revenue estimates for the State government, which estimates are to be considered by the Governor in preparing the budget, recommending appropriations and revenue measures, projecting revenues and controlling expenditures.

Your Committee feels that since the development of competence in performing the tasks required of the Council can be gained only through experience, limiting the

appointment of Council members to two terms does not permit full use of their experience. It is believed that cumulative experience and continuity would lend consistency and accuracy to the Council's work.

Your Committee agrees that it is in the public interest to retain members on the Council on Revenues in office as long as efficiency is demonstrated. Accordingly, your Committee believes this purpose is accomplished by this bill by having the three appointees of the Governor serve four-year terms but exempted from the two-term limitation, and the two members each appointed by the President of the Senate and the Speaker of the House of Representatives serve for an unlimited number of two-year terms.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 689 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 986 Finance on S.B. No. 557

The purpose of this bill is to authorize the department of budget and finance to issue special purpose revenue bonds to assist not-for-profit corporations that provide health care facilities to the general public. The funds derived would be used for the purpose of financing, or refinancing the acquisition of equipment related to, and useful in, the operation of health care facilities.

Specifically, this bill designates the sum of \$5,000,000 to Queen's Medical Center, \$3,000,000 to Wahiawa General Hospital, and \$3,000,000 to Wilcox Memorial Hospital, Kauai, to be used for the purpose of financing or refinancing the purchase of equipment.

Interest on financing and refinancing, which are necessary to provide for the continuing equipment needs of health care facilities, continues to be a significant factor in the cost of providing health care to the general public. The cost of interest is substantially less when tax exempt bonds are utilized for the financing of equipment needs, and the savings generated by the utilization of special purpose revenue bonds have played a significant part in the cost-containment programs instituted by the subject hospitals.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 557, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 987 Finance on S.B. No. 714

The purpose of this bill is to authorize the department of budget and finance to issue special purpose revenue bonds in the amounts set forth in the bill to assist not-for-profit corporations that provide health care facilities for use by the general public.

Specifically, this bill authorizes the issuance of bonds to provide the sum of \$11,400,000 to Kaiser Foundation Hospitals, Oahu, for additions to the Moanalua Medical Center, including construction of a facility at the Moanalua Medical Center to house a skilled nursing facility, a reference laboratory, and a data processing center. In addition, the sum of \$7,000,000 is to be provided to Kaiser Foundation Health Plan, Maui, for expansion of the Wailuku Clinic. Issuance of the special purpose revenue bonds for the Wailuku Clinic is contingent on the approval of the certificate of need by the state health planning and development agency.

The bill also authorizes the department of budget and finance to further issue from time to time refunding special purpose revenue bonds to refund special purpose revenue bonds earlier authorized by the legislature.

Your Committee concurs with the findings expressed in House Standing Committee Report No. 650.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 714 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 988 Finance on S.B. No. 936

The purpose of this bill is to reappropriate \$33,260,000 in revenue bond funds for the public participation portion of the redevelopment of the Aloha Tower Complex ("project").

Act 17, Special Session Laws of Hawaii 1981, originally authorized the Aloha Tower Development Corporation (ATDC) to issue revenue bonds of \$33,260,000, for the project for fiscal years 1981-1982, 1982-83, and 1983-84. Act 285, Section 5F, Session Laws of Hawaii 1984, extended this appropriation for fiscal year 1984-1985. Despite this extension, your Committee finds that the foregoing amount must be reappropriated because of delays in the project due to the developer pulling out after being granted an exclusive right to negotiate.

The Aloha Tower Development Corporation is currently meeting with four development concerns interested in the project. The delay caused by the need to secure a new developer will prevent the Corporation from issuing revenue bonds prior to June, 1985.

The financial plan for the project includes private sector and public participation. The major elements for the private sector include hotel, commercial, and retail facilities. Public financing is necessary to encourage private sector participation, and for the required demolition and site improvements, and auxiliary maritime facilities. The use of revenue bonds would eliminate the need for cash participation by the State.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 936 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 989 Finance on S.B. No. 1179

The purpose of this bill is to effect better utilization of manpower and financial resources of the State government by amending Section 93-12, HRS, to authorize the Governor to waive annual report requirements where they may be duplicative and to submit a consolidated annual report for the executive branch or direct the consolidation of one or more reports.

Presently, the law does not allow any waiver or consolidation of annual reports prepared for State agencies.

Your Committee believes that this bill would reduce the number of annual reports published, and the duplication of information in these reports would be less repetitive. As a result, information can be provided in a more cost effective manner, and the management of paper work in the State government can be improved. These objectives can be attained without the Legislature sacrificing access to needed information because the Legislature would still be able to request specific reports through concurrent resolution.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1179 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 990 Ocean and Marine Resources and Higher Education and the Arts on H.R. No. 172

The purpose of this resolution is to request that the University of Hawaii submit a progress report in implementing the master plan prepared for Snug Harbor in 1973, such report to include problems dealing with the uncompleted administration-shop building and pier complex.

Your Committees find that since 1973, when the Department of Accounting and General Services first completed a study entitled: "Complex Development Report of the Marine Expeditionary Center" which included a master plan for the Snug Harbor site, two major facilities remain incomplete. Your Committees are concerned that the State has been negligent in completing this very important facility, resulting in our inability to accommodate important research vessels. These lost

opportunities are unfortunate, since visiting research vessels provide an important linkage to our continuing search for informational exchanges that would enhance our understanding and ability to utilize our ocean resources more efficiently and responsibly.

The Hawaii Institute of Geophysics (HIG) of the University of Hawaii testified that presently, there are four uncompleted portions of the Snug Harbor complex which are essential for its proper functioning. Moreover, inadequate facilities at Snug Harbor may cause a curtailment of any federally funded program expansion if plant capabilities do not keep pace with demand. According to HIG, research vessels were turned away on several occasions for lack of adequate facilities and dock space at Snug Harbor.

Your Committees are in agreement that construction at Snug Harbor should be completed as soon as possible. To this end, your Committees have amended this resolution to urge that the University of Hawaii determine the cost required to complete construction of unfinished facilities at Snug Harbor and report such cost estimates to the Legislature by August 1, 1985.

Your Committees on Ocean and Marine Resources and Higher Education concur with the intent and purpose of H.R. No. 172, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 172, H.D. 1.

Signed by all members of the Committees except Representative Lindsey.

SCRep. 991 Ocean and Marine Resources on H.R. No. 181

The purpose of this resolution is to request that the Department of Planning and Economic Development prepare a summary of the State Attorney General's forthcoming opinion on the validity of the State's claim to archipelagic waters in the State.

Your Committee finds that the Department of Planning and Economic Development is preparing an Environmental Impact Statement (EIS) in conjunction with the U.S. Department of the Interior on considering the possible leasing of cobalt-rich manganese crusts found within the 200 mile exclusive economic zone surrounding the Hawaiian Archipelago. In preparing the EIS, the department finds it difficult to offer comment at this time because the State has three separate positions on its claim to archipelagic waters. As a result, the department has asked the State Attorney General's Office to render an opinion on which position would be of greatest advantage to the State, as well as offering the best defensible position, given that the Federal government claims all waters beyond three nautical miles from the high water mark of state lands.

Your Committee is in agreement that the State Attorney General's opinion on the State's claim to archipelagic waters is of vital importance. Moreover, a summary of that opinion by the department may provide additional insight for appropriate legislative consideration.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 181 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 992 Ocean and Marine Resources on H.C.R. No. 48

The purpose of this concurrent resolution is to request that the Department of Planning and Economic Development prepare a summary of the State Attorney General's forthcoming opinion on the validity of the State's claim to archipelagic waters in the State.

Your Committee finds that the Department of Planning and Economic Development is preparing an Environmental Impact Statement (EIS) in conjunction with the U.S. Department of the Interior on considering the possible leasing of cobalt-rich manganese crusts found within the 200 mile exclusive economic zone surrounding the Hawaiian Archipelago. In preparing the EIS, the department finds it difficult to offer comment at this time because the State has three separate positions on its

claim to archipelagic waters. As a result, the department has asked the State Attorney General's Office to render an opinion on which position would be of greatest advantage to the State, as well as offering the best defensible position, given that the Federal government claims all waters beyond three nautical miles from the high water mark of state lands.

Your Committee is in agreement that the State Attorney General's opinion on the State's claim to archipelagic waters is of vital importance. Moreover, a summary of that opinion by the department may provide additional insight for appropriate legislative consideration.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 48 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 993 Public Employment and Government Operations on H.C.R. No. 11

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a comprehensive study of Hawaii's public sector collective bargaining law and to submit a report of its findings and recommendations to the Legislature twenty days prior to the convening of the Regular Session of 1986.

Your Committee received testimony from the Director of State Personnel Services, the Chief Negotiator of the Office of Collective Bargaining, the Director of Civil Service for the City and County of Honolulu, and the Executive Secretary of the Public Employees' Management Association of Hawaii in support of this resolution.

About fifteen years have passed since the enactment of the collective bargaining law. During this time, a great amount of collective bargaining experience and insights have been gained by all participants in the process. Your Committee believes that it is time to review the collective bargaining experience and to determine whether it meets the public policy of the State to promote harmonious and cooperative relations between government and its employees, and to protect the public by assuring the effective and orderly operations of government.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.C.R. No. 11 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 994 Public Employment and Government Operations on H.R. No. 202

The purpose of this resolution is to request the House Committee on Public Employment and Government Operations to conduct a comprehensive review of the Public Employees' Retirement System, and to submit findings and recommendations prior to the convening of the Regular Session of 1986.

Representatives from the Employees' Retirement System and the Hawaii State Teachers Association favorably recommended that such a study be undertaken by the House Committee on Public Employment and Government Operations. The Secretary of the Employees' Retirement System further testified that a comprehensive review of the System has never been conducted since its establishment in 1926.

Your Committee believes that such a review is necessary to insure that the Employees' Retirement System is meeting the needs of the public employees of the State and counties, and that the State is operating and managing the System in the most responsible manner to ensure the funding of current and future obligations.

The resolution was amended to correct certain typographic, technical, and stylistic errors.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 202, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached

hereto as H.R. No. 202, H.D. 1.

Signed by all members of the Committee.

SCRep. 995 Public Employment and Government Operations on H.C.R. No. 57

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a comprehensive review of the Public Employees' Retirement System, and to submit findings and recommendations prior to the convening of the Regular Session of 1986.

Representatives from the Employees' Retirement System and the Hawaii State Teachers Association favorably recommended that such a study be undertaken by the Legislative Auditor. The Secretary of the Employees' Retirement System further testified that a comprehensive review of the System has never been conducted since its establishment in 1926.

Your Committee believes that such a review is necessary to insure that the Employees' Retirement System is meeting the needs of the public employees of the State and counties, and that the State is operating and managing the System in the most responsible manner to ensure the funding of current and future obligations.

The concurrent resolution was amended to correct certain typographic, technical, and stylistic errors.

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

Signed by all members of the Committee.

SCRep. 996 Education on H.R. No. 288

The purpose of this resolution is to request the Department of Education to conduct a study of the feasibility of allowing tenured teachers to return to college with full pay in order to obtain the necessary credits for certification to teach mathematics or science.

Your Committee finds that the need for additional science and math teachers has been documented through the Office of Personnel Services' ongoing five-year studies of instructional personnel needs. These studies assist the Department in anticipating shortage and surplus areas so plans can be developed and implemented before crises occur.

Your Committee heard testimony from both the Department of Education and the Hawaii State Teachers Association in favor of this resolution.

Your Committee on Education concurs with the intent and purpose of H.R. No. 288 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 997 Education on H.R. No. 217

The purpose of this resolution is to request the Legislative Auditor to conduct a financial and management audit of the Department of Education.

Your Committee finds that there has been a growing concern expressed by the Governor and the Legislature that the Department of Education has become administratively top-heavy and is long overdue for administrative review.

Your Committee finds that the last management audit of the Department was conducted in 1973 pursuant to a legislative directive. That audit found deficiencies in management.

Your Committee heard testimony from the Department of Education. The Depart-

ment testified that it is in support of this resolution with the view that a financial and management examination by an independent agency will help the Department focus on needed changes.

Your Committee has amended this resolution to correct technical drafting errors.

Your Committee on Education 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.

SCRep. 998 Education on H.C.R. No. 66

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a financial and management audit of the Department of Education.

Your Committee finds that there has been a growing concern expressed by the Governor and the Legislature that the Department of Education has become administratively top-heavy and is long overdue for administrative review.

Your Committee finds that the last management audit of the Department was conducted in 1973 pursuant to a legislative directive. That audit found deficiencies in management.

Your Committee heard testimony from the Department of Education. The Department testified that it is in support of this concurrent resolution with the view that a financial and management examination by an independent agency will help the Department focus on needed changes.

Your Committee has amended this concurrent resolution to correct technical drafting errors.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 66, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 66, H.D. 1.

Signed by all members of the Committee.

SCRep. 999 Education on H.R. No. 221

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study of the impact of granting to temporary teaching assignment appointees probationary credit towards tenure and preference for the filling of vacant unencumbered teaching positions.

Your Committee heard testimony from the Department of Education and others in favor of this resolution.

Your Committee finds that presently there are approximately 600 temporary teacher appointees, who because of their temporary status are not allowed tenure, probationary credit toward tenure, or preference for filling vacant unencumbered teaching positions. In addition, these conditions often lead to teacher morale problems and frustrations.

Your Committee has amended this resolution to correct technical drafting errors.

Your Committee on Education concurs with the intent and purpose of H.R. No. 221, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 221, H.D. 1.

Signed by all members of the Committee.

SCRep. 1000 Education on H.C.R. No. 68

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study of the impact of granting to temporary teaching assignment appointees probationary credit towards tenure and preference for the filling

of vacant unencumbered teaching positions.

Your Committee heard testimony from the Department of Education and others in favor of this concurrent resolution.

Your Committee finds that presently there are approximately 600 temporary teacher appointees, who because of their temporary status are not allowed tenure, probationary credit toward tenure, or preference for filling vacant unencumbered teaching positions. In addition, these conditions often lead to teacher morale problems and frustrations.

Your Committee has amended this concurrent resolution to correct technical drafting errors.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 68, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 68, H.D. 1.

Signed by all members of the Committee.

SCRep. 1001 Health on H.C.R. No. 72

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study of the services for schizophrenics provided by the Mental Health Division of the Department of Health.

Hawaii Families and Friends of Schizophrenics presented testimony in support of the concurrent resolution and stated its belief that there are significant unmet needs of schizophrenics such as, for example, health centers in catchment areas being operated to provide on-the-spot intervention in times of crisis which arise during center off hours; health personnel and providers being required to keep up with the latest scientific knowledge concerning schizophrenia; and programs being established to provide constructive daytime activities to schizophrenics. The organization further stated its belief that schizophrenia would be taken out of the closet and treated like the disease it is if the study is conducted.

The director of the Department of Health presented testimony indicating that state services for individuals suffering from schizophrenia are part of the range of services available for the prevention and treatment of all mental and emotional disorders and substance abuse. Within the limits of available funds, the department feels that it is providing acceptable services which are delivered by appropriately trained staff, and that these services are being developed further as fiscal resources permit, and as the knowledge base expands.

Your Committee finds that schizophrenia is a terrible disease which greatly inhibits the sufferer's capacity to function normally and imposes harsh financial and emotional burdens on family and friends of such sufferers. Your Committee, thus, believes that a study would be useful in identifying and prioritizing additional needed services which could assist in alleviating some of the problems faced by the sufferers of schizophrenia and their families and friends.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 72 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1002 Ocean and Marine Resources and Water, Land Use, Development
and Hawaiian Affairs on H.R. No. 211 (Majority)

The purpose of this resolution is to authorize the Board of Land and Natural Resources to negotiate the leasing of submerged lands for reclamation, at the expense of the lessee, and approving the development of submerged lands at Ke'ehi Lagoon.

Your Committees have received testimony from the Department of Land and Natural Resources, and the Sand Island Businessmens' Association, the Building Industry Association of Hawaii, the United Brotherhood of Carpenters and Joiners of America, Local No. 745, AFL-CIO, Hawaiian Dredging and Construction Company, the Hadley-Pryun Development, Inc., in favor of this measure. The Kalihi-

Palama Community Association supported the concept of this resolution. The Oahu Water Ski Club raised the concern the Ke'ehi Lagoon ought to be preserved for recreational use because it is the only sheltered waterway on the island of Oahu, and opposed this measure. Hawaii's Thousand Friends indicated its opposition and cited several concerns.

Your Committees find that there has been a long-standing controversy between efforts for economic development and environmental preservation. Any attempt to resolve this controversy will require compromises that address the concerns of all interest groups. In reaching a compromise, your Committees were guided by the following principles:

1. That prior to leasing of the site, careful studies be undertaken to determine impacts;
2. That if some ocean area is taken for the purpose of industrial use, we should return something to the ocean. In this case, giving priority to ocean and marine related industrial uses;
3. That with positive cooperation, there can be a combination of activities that can both satisfy the need for ocean activities as well as economic development.

Moreover, your Committees believe that a lessening of a traditional industrial complex approach, to that which accommodates ocean and marine related industries can possibly begin an era of creative accommodation.

Originally seen as a typical industrial complex, your Committees believe that the advantage of including ocean and marine industries offers an alternative vision to the traditional notion of industrial parks. The concept of a "themed" marine industrial park offers opportunities for ocean and marine industries that in the past, have suffered from benign neglect. As such, industrial park plans have not given this area the attention it deserves, resulting in piece-meal planning and inadequate resource allocation. The site at Ke'ehi Lagoon is adjacent to urban Honolulu and the Honolulu International Airport, making ground and air movements of goods highly attractive for perishable items such as seafood products. Immediate access to the surrounding ocean affords berthing space for both large and small commercial fishing vessels as well as the housing of infrastructure that supports the collapsing of many marine industries into one well designed park concept. Such industries might include boat building and repair, flash freezing and cold storage facilities, fish auction facilities, wholesaling and retailing of marine products including seafood, and an aquatic stadium for staging local and world class competitions such as water skiing, jet skiing, canoe racing, etc.

Your Committees have amended this resolution to reflect as many concerns as is reasonable and feasible. We note that these amendments are such that they stop just short of legislative interference with the administrative responsibilities of the department.

Accordingly, your Committees have inserted the following amendments:

1. That the Board of Land and Natural Resources shall not award the lease of Ke'ehi Lagoon unless all of the following conditions are met:

- (a) the Board of Land and Natural Resources submit a report of its progress in negotiating a lease for the submerged lands at Ke'ehi Lagoon to the 1986 Legislature;
- (b) an environmental impact statement on the proposed industrial development of Ke'ehi Lagoon is submitted to the Legislature;
- (c) the concurrence of the State Department of Transportation is obtained for the purpose of conforming the proposed industrial development of Ke'ehi Lagoon into the Department's Ke'ehi Lagoon plan; and
- (d) coordination with the Federal Aviation Administration is undertaken to determine whether the proposed industrial development is consistent with the terms of the deed under which the United States Navy transferred Ke'ehi Lagoon to the State of Hawaii;

2. That the Board of Land and Natural Resources shall encourage and give considerable weight in its decision to proposals that support our local marine-

related industries which include:

- (a) boat building and repair facilities;
- (b) a commercial fishing center that may consist of berthing for small and large commercial fishing vessels; cold storage and flash freeze facilities; a marshalling yard for transshipment; a seafood processing plant; and dockside facilities;
- (c) facilities that primarily manufacture marine-related equipment and goods;
- (d) retail outlets that primarily sell marine-related equipment and goods including food products; and
- (e) ocean recreational facilities such as an aquatic stadium or other structures that would help promote local, national, and international competition in various aquatic sports including water skiing, canoe racing, jet skiing, and hydroplane racing.

3. That should the Board of Land and Natural Resources approve a proposal to develop Ke'ehi Lagoon which jeopardizes the nehu habitat area, the Board shall make special provisions to ensure that the needs of aku fishermen for live bait are adequately addressed;

4. Certified copies of the resolution be sent to the Governor of the State of Hawaii, the Chairperson of the Board of Land and Natural Resources, and the Director of Planning and Economic Development.

Your Committees on Ocean and Marine Resources and Water, Land Use, Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 211, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 211, H.D. 1.

Signed by all members of the Committees.
(Representatives Crozier and Nakata did not concur.)

SCRep. 1003 Ocean and Marine Resources and Water, Land Use, Development
and Hawaiian Affairs on H.C.R. No. 60 (Majority)

The purpose of this concurrent resolution is to authorize the Board of Land and Natural Resources to negotiate the leasing of submerged lands for reclamation, at the expense of the lessee, and approving the development of submerged lands at Ke'ehi Lagoon.

Your Committees have received testimony from the Department of Land and Natural Resources, and the Sand Island Businessmens' Association, the Building Industry Association of Hawaii, the United Brotherhood of Carpenters and Joiners of America, Local No. 745, AFL-CIO, Hawaiian Dredging and Construction Company, the Hadley-Pryun Development, Inc., in favor of this measure. The Kalihi-Palama Community Association supported the concept of this concurrent resolution. The Oahu Water Ski Club raised the concern the Ke'ehi Lagoon ought to be preserved for recreational use because it is the only sheltered waterway on the island of Oahu, and opposed this measure. Hawaii's Thousand Friends indicated its opposition and cited several concerns.

Your Committees find that there has been a long-standing controversy between efforts for economic development and environmental preservation. Any attempt to resolve this controversy will require compromises that address the concerns of all interest groups. In reaching a compromise, your Committees were guided by the following principles:

1. That prior to leasing of the site, careful studies be undertaken to determine impacts;
2. That if some ocean area is taken for the purpose of industrial use, we should return something to the ocean. In this case, giving priority to ocean and marine related industrial uses;
3. That with positive cooperation, there can be a combination of activities

that can both satisfy the need for ocean activities as well as economic development.

Moreover, your Committees believe that a lessening of a traditional industrial complex approach, to that which accommodates ocean and marine related industries can possibly begin an era of creative accommodation.

Originally seen as a typical industrial complex, your Committees believe that the advantage of including ocean and marine industries offers an alternative vision to the traditional notion of industrial parks. The concept of a "themed" marine industrial park offers opportunities for ocean and marine industries that in the past, have suffered from benign neglect. As such, industrial park plans have not given this area the attention it deserves, resulting in piece-meal planning and inadequate resource allocation. The site at Ke'ehi Lagoon is adjacent to urban Honolulu and the Honolulu International Airport, making ground and air movements of goods highly attractive for perishable items such as seafood products. Immediate access to the surrounding ocean affords berthing space for both large and small commercial fishing vessels as well as the housing of infrastructure that supports the collapsing of many marine industries into one well designed park concept. Such industries might include boat building and repair, flash freezing and cold storage facilities, fish auction facilities, wholesaling and retailing of marine products including seafood, and an aquatic stadium for staging local and world class competitions such as water skiing, jet skiing, canoe racing, etc.

Your Committees have amended this concurrent resolution to reflect as many concerns as is reasonable and feasible. We note that these amendments are such that they stop just short of legislative interference with the administrative responsibilities of the department.

Accordingly, your Committees have inserted the following amendments:

1. That the Board of Land and Natural Resources shall not award the lease of Ke'ehi Lagoon unless all of the following conditions are met:

- (a) the Board of Land and Natural Resources submit a report of its progress in negotiating a lease for the submerged lands at Ke'ehi Lagoon to the 1986 Legislature;
- (b) an environmental impact statement on the proposed industrial development of Ke'ehi Lagoon is submitted to the Legislature;
- (c) the concurrence of the State Department of Transportation is obtained for the purpose of conforming the proposed industrial development of Ke'ehi Lagoon into the Department's Ke'ehi Lagoon plan; and
- (d) coordination with the Federal Aviation Administration is undertaken to determine whether the proposed industrial development is consistent with the terms of the deed under which the United States Navy transferred Ke'ehi Lagoon to the State of Hawaii;

2. That the Board of Land and Natural Resources shall encourage and give considerable weight in its decision to proposals that support our local marine-related industries which include:

- (a) boat building and repair facilities;
- (b) a commercial fishing center that may consist of berthing for small and large commercial fishing vessels; cold storage and flash freeze facilities; a marshalling yard for transshipment; a seafood processing plant; and dockside facilities;
- (c) facilities that primarily manufacture marine-related equipment and goods;
- (d) retail outlets that primarily sell marine-related equipment and goods including food products; and
- (e) ocean recreational facilities such as an aquatic stadium or other structures that would help promote local, national, and international competition in various aquatic sports including water skiing, canoe racing, jet skiing, and hydroplane racing.

3. That should the Board of Land and Natural Resources approve a proposal to develop Ke'ehi Lagoon which jeopardizes the nehu habitat area, the Board shall make special provisions to ensure that the needs of aku fishermen for live bait are adequately addressed;

4. Certified copies of the concurrent resolution be sent to the Governor of the State of Hawaii, the Chairperson of the Board of Land and Natural Resources, and the Director of Planning and Economic Development.

Your Committees on Ocean and Marine Resources and Water, Land Use, Development and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 60, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 60, H.D. 1.

Signed by all members of the Committees.
(Representatives Crozier and Nakata did not concur.)

SCRep. 1004 Employment Opportunities and Labor Relations and Public
Employment and Government Operations on H.R. No. 193

The purpose of this resolution is to request all employers to recognize and adopt the concept of equal pay for work of comparable value to their organizations.

Your Committees have adopted two of the recommendations of the Honolulu County Committee on the Status of Women and have amended the resolution as follows:

(1) The word "like" in the third Whereas clause has been changed to "comparable", so the section would read: "WHEREAS, these actions by the State Legislature and the people of Hawaii reflect a desire to see that people of either sex in comparable circumstances be treated equally";

(2) The words "inequities are" in the ninth Whereas clause be amended to read "sex-based wage discrimination" so that the section would read: "WHEREAS, with the inflation situation and the continually increasing contribution of women in the work force in Hawaii, the Legislature recognizes that such sex-based wage discrimination is unacceptable and should be corrected";

Your Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations concur with the intent and purpose of H.R. No. 193, as amended herein, and recommend that it be referred to the Committee on Judiciary, in the form attached hereto as H.R. No. 193, H.D. 1.

Signed by all members of the Committees.

SCRep. 1005 Planning, Energy and Environmental Protection and Agriculture
on H.R. No. 158

The purpose of this resolution is to request the Director of Health to coordinate a study on the feasibility of consolidating clinical and environmental laboratory functions within a single State department.

Your Committees find that recent episodes of pesticide contamination have revealed a lack of coordination among government agencies with regard to laboratory monitoring and analysis responsibilities. Hawaii's system of environmental monitoring and analysis involves many agencies and, at times, seems to lack a clear framework of agency responsibilities. Your Committees find that agency responsibilities in the area of environmental and public health protection should be clearly delineated and efficiently fulfilled. A centralized approach to the State laboratory analysis functions may prove beneficial in terms of lower costs and improved capabilities. A feasibility analysis on the centralization of the State's environmental laboratory functions will yield information on the costs and benefits of such a proposal.

Your Committees on Planning, Energy and Environmental Protection and Agriculture concur with the intent and purpose of H.R. No. 158 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 1006 Planning, Energy and Environmental Protection and Agriculture
on H.C.R. No. 36

The purpose of this concurrent resolution is to request the Director of Health to coordinate a study on the feasibility of consolidating clinical and environmental laboratory functions within a single State department.

Your Committees find that recent episodes of pesticide contamination have revealed a lack of coordination among government agencies with regard to laboratory monitoring and analysis responsibilities. Hawaii's system of environmental monitoring and analysis involves many agencies and, at times, seems to lack a clear framework of agency responsibilities. Your Committees find that agency responsibilities in the area of environmental and public health protection should be clearly delineated and efficiently fulfilled. A centralized approach to the State laboratory analysis functions may prove beneficial in terms of lower costs and improved capabilities. A feasibility analysis on the centralization of the State's environmental laboratory functions will yield information on the costs and benefits of such a proposal.

Your Committees on Planning, Energy and Environmental Protection and Agriculture concur with the intent and purpose of H.C.R. No. 36 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 1007 Planning, Energy and Environmental Protection on H.C.R. No. 8

The purpose of this concurrent resolution is to request the Department of Planning and Economic Development and the Department of Budget and Finance 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 non-legislative 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 1986.

Your Committee finds that although the Hawaii State Plan recommends that the budget process conform to the goals and objectives of the plan, the budget process continues to be carried out in isolation to the plan. Consequently, major budgetary decisions are made without policy direction from the State Plan. Your Committee believes that an effort should be made to bring the State budget process into the State planning process to provide greater long-range policy direction in the budget process.

Your Committee has amended this concurrent resolution by correcting an inadvertent error in the "WHEREAS" clause recognizing the lack of long-ranged planning in Hawaii's program planning and budgeting system. The concluding portion of this clause has been inserted.

Your Committee on Planning, Energy and Environmental Protection concurs 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. 1008 Planning, Energy and Environmental Protection on H.R. No. 49

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 1986 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 this concurrent resolution in the "WHEREAS" clause regarding the relationship of the Hawaii State Plan to the Board of Land and Natural Resources. Your Committee wishes to clarify that the State Plan is a guide to all departments to assist in their decisions. This concurrent resolution has further been amended by correcting an inadvertant error in drafting. The title: "Board of Land and Natural Resources" has been inserted in place of the "Land Use Commisison" in the first "BE IT RESOLVED" clause.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 9, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 9, H.D. 1.

Signed by all members of the Committee.

SCRep. 1009 Planning, Energy and Environmental Protection on H.C.R. No. 9

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 1986 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 this concurrent resolution in the "WHEREAS" clause regarding the relationship of the Hawaii State Plan to the Board of Land and Natural Resources. Your Committee wishes to clarify that the State Plan is a guide to all departments to assist in their decisions. This concurrent resolution has further been amended by correcting an inadvertant error in drafting. The title: "Board of Land and Natural Resources" has been inserted in place of the "Land Use Commission" in the first "BE IT RESOLVED" clause.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 9, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 9, H.D. 1.

Signed by all members of the Committee.

SCRep. 1010 Planning, Energy and Environmental Protection on H.R. No. 50

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 1986 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 decision-making 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 is not being fully utilized by the Commission in its decision-making processes.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 50 and recommends that it be referred to the

Committee on Finance.

Signed by all members of the Committee.

SCRep. 1011 Planning, Energy and Environmental Protection on H.C.R. No.
10

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 1986 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 decision-making 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 is not being fully utilized by the Commission in its decision-making processes.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 10 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1012 Planning, Energy and Environmental Protection on H.R. No. 182

The purpose of this resolution is to encourage the research, development and demonstration of electric and hybrid vehicles in Hawaii. This resolution also requests a market analysis of the projected role electric vehicles may play in Hawaii's future.

Your Committee finds that Hawaii is entirely dependant upon imported petroleum to satisfy its transportation needs. An innovative way to offset this dependence is to develop modes of transportation that utilize alternate sources of energy for power. Electric transport technology promises to establish non-polluting modes of transport that would also help to relieve the State of its dependence on petroleum.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 182 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1013 Planning, Energy and Environmental Protection on H.C.R. No.
49

The purpose of this concurrent resolution is to encourage the research, development and demonstration of electric and hybrid vehicles in Hawaii. This concurrent resolution also requests a market analysis of the projected role electric vehicles may play in Hawaii's future.

Your Committee finds that Hawaii is entirely dependant upon imported petroleum to satisfy its transportation needs. An innovative way to offset this dependence is to develop modes of transportation that utilize alternate sources of energy for power. Electric transport technology promises to establish non-polluting modes of transport that would also help to relieve the State of its dependence on petroleum.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 49 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1014 Planning, Energy and Environmental Protection and Education on
H.C.R. No. 38

The purpose of this concurrent resolution is to adopt the State Functional Education Plan of November 1984, as a State functional plan for the State of Hawaii in furtherance of Chapter 226, Hawaii Revised Statutes.

Your Committees find that out of concern over the State's future growth and direction, the 1978 State Legislature adopted the Hawaii State Planning Act, Chapter 226, Hawaii Revised Statutes. Emphasis on legislative participation in the overall government planning process is contained in the Act's broad goals, objectives, policies, and priority directions intended to direct the State's future growth and development, and the submittal of twelve functional plans for specified areas of governmental activity to the Legislature.

In accordance with the provisions of Chapter 226, Hawaii Revised Statutes, the Department of Education prepared the State Education Plan of November 1984, designed to set forth guidelines for the delivery of services and the allocation of resources by State agencies with regard to education, and the plan was submitted to the Thirteenth State Legislature, Regular Session of 1985.

After reviewing the State Education Functional Plan of November 1984, your Committees have modified the substance of the plan and have attached these amendments (shown in Ramseyer format) to the concurrent resolution as Exhibit A.

Your Committees have amended this concurrent resolution to indicate that the attached Exhibit A represents the Committees' amendments to the State Education Functional Plan of November 1984. The State Education Functional Plan shall therefore be adopted, as amended, by the revisions set forth in Exhibit A.

Your Committees have amended the State Education Functional Plan of November, 1984 as follows:

(1) Implementing Action (L.2.15) has been amended to ensure that Hawaii's public school facilities are maintained in the interest and well-being of the students of Hawaii. Your Committees find that a proper learning environment is an essential ingredient in the success of any educational experience.

Accordingly, a conscious effort should be made to continually enhance and improve the quality of Hawaii's public schools for the benefit of our students.

(2) A new subsection appropriately designated as Section A. 1.2., has been included.

Your Committees find that every school within this State is unique. Factors such as the cultural, social, and economic backgrounds of its students as well as the nature of the community in which the school is located contribute to the individual character of each of our various schools. In this regard, a standard formula of resource allocation such as one based on any factor such as school enrollment alone cannot address the unique needs of these schools and the students which they serve. In order to provide each student with equal educational opportunity, the State, in its distribution of resources, must consider the needs of our various schools in conjunction with the needs of our students. Resource distribution should be such that the unique requirements of our individual schools are satisfied so that every student has been afforded an equal opportunity to realize his or her potential.

Your Committees on Planning, Energy and Environmental Protection and Education concur with the intent and purpose of H.C.R. No. 38, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 38, H.D. 1.

Signed by all members of the Committees except Representative Kamali'i.

SCRep. 1015 Planning, Energy and Environmental Protection on H.R. No. 48

The purpose of this resolution is to request the Department of Planning and Economic Development and the Department of Budget and Finance 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 1986.

Your Committee finds that although the Hawaii State Plan recommends that the budget process conform to the goals and objectives of the plan, the budget process continues to be carried out in isolation to the plan. Consequently, major budgetary decisions are made without policy direction from the State Plan. Your Committee believes that an effort should be made to bring the State budget process into the State planning process to provide greater long-range policy direction in the budget process.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 48 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1016 Planning, Energy and Environmental Protection on H.R. No. 206

The purpose of this resolution is to request the Department of Land and Natural Resources to study the feasibility of establishing an education program devoted to the coordination and distribution of information regarding Hawaii's unique natural resources.

Your Committee finds that although Hawaii supports a unique natural history of flora and fauna, there is no public information program devoted to the distribution of knowledge on the subject. A natural resources education program appropriately established within the Department of Land and Natural Resources would provide the public with the opportunity to become better acquainted with Hawaii's unique surroundings. Your Committee finds that a feasibility study for such an undertaking would assist in the ultimate establishment of a natural resources information and education program.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 206 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1017 Human Services on H.R. No. 270

The purpose of this resolution is to encourage the Department of Social Services and Housing (DSSH) to review its policies and rules for Adult Day Care and Day Health programs to encourage the increased use of these programs in Hawaii.

Your Committee believes that fostering further growth of these programs will promote the State's efforts towards more cost-effective, community-based long-term care services for the elderly in Hawaii. The cost-effectiveness of Hawaii's eight Adult Day Care and three Day Health programs, which currently serve 335 elderly, is 25%-30% of the cost of nursing home care. In addition to cost-effectiveness, your Committee believes that improving the psychological, social and medical well-being of the participants, increasing their functional independence and providing relief for caregivers are important objectives in serving the needs of our elderly population.

Adult day care and day health programs provide care for individuals who live alone and cannot care for themselves, for those living with others who need relief and for elderly persons discharged from institutional settings who need some transitional support services.

Testimony in support of the resolution was provided by the DSSH, the Windward Seniors' Day Care Center, the Salvation Army Center for Handicapped, Disabled and Confused Elderly, Kuakini Hospital and the Kokua Council for Senior Citizens. While the DSSH recognizes that the adult day care/day health programs are extremely valuable, the department is unable to increase its reimbursement rates for these programs without additional appropriations from the Legislature.

Your Committee is in accord with the intent and purpose of H.R. No. 270 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Lindsey.

SCRep. 1018 Education and Higher Education and the Arts on H.R. No. 240

The purpose of this resolution is to request the Department of Education, in consultation with the University of Hawaii, the Hawaii State Teachers Association, and the Hawaii State Parent Teacher Student Association, to study and make recommendations on teacher training and related educational issues.

Your Committees find that numerous national reports on the status of education have highlighted the shortcomings of public education. There is a need to address the problems associated with public education in the State and to provide students with the best possible education.

Your Committees heard numerous testimony in support of this resolution, many of which indicated a need to include the concerns of the gifted and talented students.

It is your Committees' intent to encompass teachers of gifted and talented students in the recommendations on teacher training and related educational issues.

Your Committees on Education and Higher Education and the Arts concur with the intent and purpose of H.R. No. 240 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Gaulty and Yoshimura.

SCRep. 1019 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 212

The purpose of this resolution is to request the Department of Land and Natural Resources to find ways to protect sea birds in an area adjacent to the U.S. Fish and Wildlife Service Administrative Site at Kilauea, Kauai. The resolution further requests a feasibility study of State or county acquisition of the nesting site.

Your Committee finds that in 1979 the Department of Land and Natural Resources recommended the acquisition of property in the area adjacent to the U.S. Fish and Wildlife Service Administrative Site at Kilauea, Kauai. The acquired property would then be managed as a wildlife refuge for nesting sea birds. However, the important sea bird nesting areas are presently owned by private consortiums which plan to develop the site for agricultural subdivision purposes. In working with the County of Kauai Planning Commission in evaluating the permits requested by the developer, the Department has succeeded in providing for a building set-back line and fence construction to protect the sea bird habitat and scenic views along the sea cliffs, as a condition of approval of the development.

According to testimony from the Department, there has been no resolution of the question of which public agency would eventually acquire and manage the sanctuary portion of the area. Your Committee is in agreement with the intent of the resolution to initiate a feasibility study on the acquisition and management of the Kilauea area.

Minor, non-substantive changes have been made to correct grammatical and stylistic errors.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 212, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 212, H.D. 1.

Signed by all members of the Committee.

SCRep. 1020 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 61

The purpose of this concurrent resolution is to request the Department of Land

and Natural Resources to find ways to protect sea birds in an area adjacent to the U.S. Fish and Wildlife Service Administrative Site at Kilauea, Kauai. The concurrent resolution further requests a feasibility study of State or county acquisition of the nesting site.

Your Committee finds that in 1979 the Department of Land and Natural Resources recommended the acquisition of property in the area adjacent to the U.S. Fish and Wildlife Service Administrative Site at Kilauea, Kauai. The acquired property would then be managed as a wildlife refuge for nesting sea birds. However, the important sea bird nesting areas are presently owned by private consortiums which plan to develop the site for agricultural subdivision purposes. In working with the County of Kauai Planning Commission in evaluating the permits requested by the developer, the Department has succeeded in providing for a building set-back line and fence construction to protect the sea bird habitat and scenic views along the sea cliffs, as a condition of approval of the development.

According to testimony from the Department, there has been no resolution of the question of which public agency would eventually acquire and manage the sanctuary portion of the area. Your Committee is in agreement with the intent of the concurrent resolution to initiate a feasibility study on the acquisition and management of the Kilauea area.

Minor, non-substantive changes have been made to correct grammatical and stylistic errors.

Your Committee on Water, Land Use, Development and Hawaiian Affairs 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. 1021 Water, Land Use, Development and Hawaiian Affairs on H.R. No.
209

The purpose of this resolution is to request the State to furnish at least two employees to police the shore waters of Kailua, Lanikai, and Waimanalo, Oahu, every weekend and holiday, beginning on July 1, 1985.

Your Committee finds that water safety and the enforcement of safety in the ocean and shore waters of Oahu are joint efforts by the Department of Transportation, the Department of Land and Natural Resources, and the City and County of Honolulu. Moreover, your Committee recognizes the need to improve water safety in the Kailua, Lanikai, and Waimanalo shore water areas.

However, according to testimony from the Departments of Transportation and of Land and Natural Resources, sufficient manpower to police the shore waters not only of the three areas described in the resolution but also of the entire State is lacking, and all shore waters frequented by swimmers, surfers, wind-surfers, boaters, and jet-ski operators need improved water safety services. Moreover, your Committee is of the opinion that broader language in the resolution is desirable, without specifying the number of State personnel to police shore waters and identifying specific shore water locations, and that all shore water areas are in need of water safety enforcement.

Therefore, your Committee has made the following changes to the resolution:

(1) To expand the intent of the resolution, to include not only the shore waters of Kailua, Lanikai, and Waimanalo but also those of the entire State of Hawaii;

(2) To broaden the language in the title of the resolution to request the State to consider increased enforcement efforts for shore waters in the State of Hawaii;

(3) To eliminate reference in the "BE IT RESOLVED" clause to any specific number of State personnel to police shore waters; and

(4) To make minor, non-substantive changes to correct grammatical and stylistic errors.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 209, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 209, H.D. 1.

Signed by all members of the Committee.

SCRep. 1022 Water, Land Use, Development and Hawaiian Affairs on H.C.R.
No. 59

The purpose of this concurrent resolution is to request the State to furnish at least two employees to police the shore waters of Kailua, Lanikai, and Waimanalo, Oahu, every weekend and holiday, beginning on July 1, 1985.

Your Committee finds that water safety and the enforcement of safety in the ocean and shore waters of Oahu are joint efforts by the Department of Transportation, the Department of Land and Natural Resources, and the City and County of Honolulu. Moreover, your Committee recognizes the need to improve water safety in the Kailua, Lanikai, and Waimanalo shore water areas.

However, according to testimony from the Departments of Transportation and of Land and Natural Resources, sufficient manpower to police the shore waters not only of the three areas described in the concurrent resolution but also of the entire State is lacking, and all shore waters frequented by swimmers, surfers, wind-surfers, boaters, and jet-ski operators need improved water safety services. Moreover, your Committee is of the opinion that broader language in the concurrent resolution is desirable, without specifying the number of State personnel to police shore waters and identifying specific shore water locations, and that all shore water areas are in need of water safety enforcement.

Therefore, your Committee has made the following changes to the concurrent resolution:

- (1) To expand the intent of the concurrent resolution, to include not only the shore waters of Kailua, Lanikai, and Waimanalo but also those of the entire State of Hawaii;
- (2) To broaden the language in the title of the concurrent resolution to request the State to consider increased enforcement efforts for shore waters in the State of Hawaii;
- (3) To eliminate reference in the "BE IT RESOLVED" clause to any specific number of State personnel to police shore waters; and
- (4) To make minor, non-substantive changes to correct grammatical and stylistic errors.

Your Committee on Water, Land Use, Development and Hawaiian Affairs 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.

SCRep. 1023 Human Services on H.R. No. 285

The purpose of this resolution as received is to request the Legislative Reference Bureau along with the Department of Health and the Department of Social Services and Housing to undertake a study to determine:

- (1) if more Alzheimer day care centers are needed throughout the State; and
- (2) if such a need is demonstrated, the estimated savings resulting from the transfer of patients from long-term care institutions, and the costs of establishing and operating an Alzheimer day care center in each county.

An Alzheimer day care center is currently being operated on Kauai by the Kauai Office of Elderly Affairs, and is providing a much needed service for 8 to 10 victims of Alzheimer's Disease and their families. If this program were not

available to these families, most, if not all the patients, would require placement in an intermediate care facility. Further, it is estimated that the monetary cost of such institutionalization is 3 to 5 times greater than the cost of a day care center.

In addition, the emotional costs associated with the placement of a family member into institutional care before it is absolutely necessary are often greater than the monetary cost. The ability and willingness of families to care for their members enables the State to use limited resources, such as spaces in intermediate care facilities, to the fullest.

Your Committee feels that with the number of persons in the State afflicted with Alzheimer's estimated at approximately 2,000, and with the cost savings which day care centers could provide, the need for these centers is preliminarily indicated and should be reviewed.

Your Committee has amended the resolution to include the cooperation of the Executive Office on Aging in the study. It has also amended the resolution to include review of whether persons at the early stages of the disease could be integrated into other day care centers not specializing in the needs of Alzheimer's patients thus saving some start up time and money.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 285, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 285, H.D. 1.

Signed by all members of the Committee except Representatives Hirono and Jones.

SCRep. 1024 Water, Land Use, Development and Hawaiian Affairs and Housing
on H.R. No. 215

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a feasibility study of a land readjustment system for the redevelopment and revitalization of appropriate communities, including Kakaako, downtown Honolulu, Kalihi-Palama, and McCully-Moiliili.

According to testimony from the Hawaii Housing Authority, there are owner-occupants and landlords who find it difficult to rehabilitate or reconstruct their dwelling units because their properties are of such odd shapes and small sizes that present zoning subdivision standards inhibit such landowners from rebuilding on their lots. Your Committees are of the opinion that land readjustment would provide a potential solution to these problems through private redevelopment of older communities, paving the way for better housing conditions.

Your Committees are in agreement that a land readjustment system would be advantageous for certain communities; however, your Committees recommend the following amendments to the resolution:

(1) To request the Hawaii Housing Authority and not the Legislative Reference Bureau to conduct the feasibility study, because the Authority has technical knowledge and resources already available for conducting the study and, eventually, for facilitating and augmenting a land readjustment process;

(2) To include a new, second "BE IT FURTHER RESOLVED" clause:

"BE IT FURTHER RESOLVED that the Hawaii Housing Authority explore land readjustment systems which other jurisdictions have implemented, examine and assess the processes utilized, and evaluate the degree of success achieved";

because, before such a system commences, the feasibility study should include comparative data on existing regulatory processes to determine their adaptability to a land readjustment system for Hawaii; and

(3) To make minor, non-substantive changes to correct grammatical and stylistic errors.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Housing 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 except Representatives Hirono and Jones.

SCRep. 1025 Water, Land Use, Development and Hawaiian Affairs and Housing
on H.C.R. No. 65

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a feasibility study of a land readjustment system for the redevelopment and revitalization of appropriate communities, including Kakaako, downtown Honolulu, Kalihi-Palama, and McCully-Moiliili.

According to testimony from the Hawaii Housing Authority, there are owner-occupants and landlords who find it difficult to rehabilitate or reconstruct their dwelling units because their properties are of such odd shapes and small sizes that present zoning subdivision standards inhibit such landowners from rebuilding on their lots. Your Committees are of the opinion that land readjustment would provide a potential solution to these problems through private redevelopment of older communities, paving the way for better housing conditions.

Your Committees are in agreement that a land readjustment system would be advantageous for certain communities; however, your Committees recommend the following amendments to the concurrent resolution:

(1) To request the Hawaii Housing Authority and not the Legislative Reference Bureau to conduct the feasibility study, because the Authority has technical knowledge and resources already available for conducting the study and, eventually, for facilitating and augmenting a land readjustment process;

(2) To include a new, second "BE IT FURTHER RESOLVED" clause:

"BE IT FURTHER RESOLVED that the Hawaii Housing Authority explore land readjustment systems which other jurisdictions have implemented, examine and assess the processes utilized, and evaluate the degree of success achieved";

because, before such a system commences, the feasibility study should include comparative data on existing regulatory processes to determine their adaptability to a land readjustment system for Hawaii; and

(3) To make minor, non-substantive changes to correct grammatical and stylistic errors.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Housing concur with the intent and purpose of H.C.R. No. 65, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 65, H.D. 1.

Signed by all members of the Committees except Representatives Hirono and Jones.

SCRep. 1026 Water, Land Use, Development and Hawaiian Affairs and
Consumer Protection and Commerce on H.R. No. 232

The purpose of this resolution is to promote employee ownership for Hawaii's businesses through efforts by the Department of Planning and Economic Development in establishing an employee stock ownership advisory committee to assist the Department in all matters relating to employee stock ownership, including education, technical assistance, research, promotion, and outreach.

Your Committees received testimony from the Departments of Planning and Economic Development and of Labor and Industrial Relations, in support of the resolution. Employee stock ownership programs have fostered greater cooperation between labor and management by providing a way for the workers to become part-owners of a company that employs them. Your Committees are of the opinion that these programs would provide worthwhile employee benefits without any direct outlay of cash by the companies.

Minor, non-substantive changes have been made to correct grammatical and stylistic errors.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Consumer Protection and Commerce 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 except Representatives Blair, Hirono and Jones.

SCRep. 1027 Water, Land Use, Development and Hawaiian Affairs and
Consumer Protection and Commerce on H.C.R. No. 77

The purpose of this concurrent resolution is to promote employee ownership for Hawaii's businesses through efforts by the Department of Planning and Economic Development in establishing an employee stock ownership advisory committee to assist the Department in all matters relating to employee stock ownership, including education, technical assistance, research, promotion, and outreach.

Your Committees received testimony from the Departments of Planning and Economic Development and of Labor and Industrial Relations, in support of the resolution. Employee stock ownership programs have fostered greater cooperation between labor and management by providing a way for the workers to become part-owners of a company that employs them. Your Committees are of the opinion that these programs would provide worthwhile employee benefits without any direct outlay of cash by the companies.

Minor, non-substantive changes have been made to correct grammatical and stylistic errors.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Consumer Protection and Commerce concur with the intent and purpose of H.C.R. No. 77, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 77, H.D. 1.

Signed by all members of the Committees except Representatives Blair, Crozier, Hirono and Jones.

SCRep. 1028 Water, Land Use, Development and Hawaiian Affairs and
Consumer Protection and Commerce on H.R. No. 132

The purpose of this resolution is to request the Speaker of the House of Representatives to appoint an interim committee to study the banking systems and methods of attracting foreign capital to Hawaii.

Your Committees received testimony from the Department of Commerce and Consumer Affairs in support of the resolution. Your Committees are in agreement that, if banking services in the State are to expand substantially, the flow of foreign capital into Hawaii's banks would be of significant importance. However, your Committees are of the opinion that a study should be made of other banking systems and methods which have been successful in attracting foreign capital as a first step in recommending legislative proposals for the Regular Session of 1986.

A minor but substantive change has been made to the third "BE IT FURTHER RESOLVED" clause, specifying that the study be submitted "at least 20 days" before the Regular Session of 1986 is convened. Other minor, non-substantive changes have been made to correct grammatical and stylistic errors.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 132, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 132, H.D. 1.

Signed by all members of the Committees except Representatives Blair, Hirono and Jones.

SCRep. 1029 Higher Education and the Arts on H.R. No. 136

The purpose of this resolution is to request that the University of Hawaii College of Continuing Education and Community Service study the feasibility of providing college credit courses on Saturdays and Sundays.

Your Committee finds that expanding the availability of credit course selections to include weekends would allow CCECS to serve a broader range of the public. Among those that would benefit from the greater flexibility in scheduling would include working students, and students who are particularly ambitious and want to increase their course load. Another consideration addressed in this resolution is maximizing the use and benefit of the University's existing facilities.

Testimony received by the Dean of CCECS indicated the University's willingness to study alternative methods for increasing the availability of credit courses. The Superintendent of the Department of Education testified in favor of this resolution, stating that the intent is consistent with the Department's efforts to meet the professional development needs of its personnel.

Your Committee has amended this bill by adopting the recommendation of the Department of Education to expand this study to include College of Continuing Education and Community Services course offerings on the Neighbor Islands and Rural Oahu by deleting the phrase "at the Manoa Campus" from paragraph 5, line 2, and paragraph 9, line 6. The Committee has also amended paragraph 4, line 6, and paragraph 9, line 6 to include evenings and summers in the scope of this study. The title of this resolution was also amended to reflect these amendments. In addition, language was added to paragraph 9 that would include an assessment of the impact of expanded course offerings on support services such as libraries.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 136, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 136, H.D. 1.

Signed by all members of the Committee.

SCRep. 1030 Higher Education and the Arts on H.R. No. 195

The purpose of this resolution is to define and examine the relationship between teaching and research at the University of Hawaii, and to consider whether or not one is emphasized at the expense of the other.

Testimony from the University indicated that the administration disagrees that teaching at the undergraduate level is not given adequate support. They stated that the needs of research and teaching are compatible with the overall goal of the University and in fact are not separable. At any rate, they are willing to conduct the proposed study in an objective manner, in-house, without need for additional funds.

Your Committee has amended this resolution by adopting the suggestion of the University and inserting the words "at Manoa" after "University of Hawaii" in paragraph 5, line 2 to make it clear that only the Manoa Campus is explicitly mandated to conduct research. Also, the phrase "best apportion our limited dollars to" has been deleted by the Committee.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 195, as amended herein, and recommends 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 Committee.

SCRep. 1031 Higher Education and the Arts on H.R. No. 197

The purpose of this resolution is to request that the University of Hawaii consider the findings and recommendations contained in the report prepared by the United States Department of Education's Study Group on the Conditions of Excellence in American Higher Education, and report on the actions it will take in response thereto. The report, entitled "Involvement in Learning: Realizing the

Potential of American Higher Education", focuses on the conditions that must be present before we can realize our high expectations for our University. This resolution asks that particular attention be paid to the University's undergraduate curriculum.

The University provided a synopsis of the United States Department of Education's report, and supported this resolution.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 197 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1032 Higher Education and the Arts on H.R. No. 227

The purpose of this resolution is to request that the William S. Richardson School of Law of the University of Hawaii, in cooperation with the East-West Center, prepare a five year program action plan for an Asian-Pacific Legal Systems program, which will establish the School of Law as a center of expertise in Asian-Pacific legal systems.

The School of Law administration testified that they are in the process of hiring a professor with expertise in the area of Asian-Pacific legal systems, and his first priority will be to develop an action plan as called for in this resolution. A willingness to cooperate with the East-West Center was also expressed.

Your Committee finds that the State of Hawaii is in a unique position to enhance its social and economic relations in the Asia-Pacific region through the exchange of information that an Asian-Pacific Legal Systems Program will facilitate.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 227 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1033 Higher Education and the Arts on H.R. No. 228

The purpose of this resolution is to request that the Center for Asian and Pacific Studies at the University of Hawaii, in cooperation with the East-West Center, prepare and submit an action plan to identify the programs and resources needed for Hawaii to achieve international standing as a center for Asian-Pacific Studies.

Your Committee finds that increased emphasis on the programs and objectives of the CAPS will strengthen the University's role as a link between Hawaii and the Asia-Pacific region, and will enhance social and economic relations.

Your Committee is aware that in the past the Center has been under severe limitations due to inadequate staffing and facilities. Your Committee expects that an ambitious but realistic program action plan will justify greater support in the upcoming years in our continuing search for excellence.

Your Committee received testimony from the acting Director of the CAPS expressing a willingness to conduct a study and cooperate with the East-West Center.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 228 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1034 Higher Education and the Arts on H.R. No. 208

The purpose of this resolution is to ask the University of Hawaii Board of Regents and the President to conduct a study of the alternatives for providing

additional on-campus housing for students at the University of Hawaii at Hilo. The requested study shall include recommendations for implementation with appropriate cost analyses.

Your Committee agrees that the environment that is created by a residential college is compatible with and desirable for the Hilo community. Further, there are a significant number of Hawaii students who cannot be accommodated with housing, and must find more expensive and less convenient off-campus housing, or leave school. While the figures cannot be determined with precision, the Committee believes that there are also a significant number of students who do not apply to the University of Hawaii at Hilo because they are aware of the housing shortage.

Your Committee received favorable testimony from the University of Hawaii at Hilo Chancellor. He stated that the predicted growth in enrollment will occur only when adequate on-campus housing is available. Data provided in the testimony shows that an overwhelming number of applicants for housing are Hawaii residents.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 208 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1035 Higher Education and the Arts on H.R. No. 196

The purpose of this resolution is to request that the University of Hawaii study the feasibility of the establishment of an information office. Such an office would be responsible for informing the public of the University's goals, programs, and developments; a primary function would be coordinating and directing alumni affairs.

Favorable testimony was received from the University of Hawaii President, who stated that one of the University of Hawaii's biggest weaknesses was the lack of an information office. He said that such an office is vital to facilitating communication between the University and the public, and can be a means to generate alumni and community support for University programs.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 196, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1036 Higher Education and the Arts on H.R. No. 119

The purpose of this resolution is to request that the Legislative Reference Bureau and the Department of Planning and Economic Development jointly conduct a study to determine the feasibility of establishing a separate public university system that encompasses the present UH at Hilo system. The Legislative Reference Bureau shall examine all aspects of the transfer of functions from the University to another public university in Hilo, and the DPED shall assess the economic impact of a separate university system in Hilo.

The University administration testified in opposition to this measure, expressing concerns that having two university systems would be inefficient, wasteful, and would lower the quality of education.

The DPED testified in favor of the measure, and stated that a dynamic college campus can stimulate growth in relatively unpopulated areas, and that the Big Island is a good choice, as it appears to have growth potential in spite of economic problems.

The Hawaii County Research and Development Director also supports this resolution, and believes that educational opportunities can be enhanced to the benefit of the Big Island's economy.

Your Committee feels that the Big Island may possess attributes that uniquely qualify it as a site for a separate university system. The physical features include astronomical observation sites, geothermal and ocean thermal resources,

diverse climatic conditions, and an abundance of space. The nature of the island's agriculture industry lends itself to study and research, and the city of Hilo has the potential to develop into a thriving "college town". It is also possible that higher education on the Big Island should be located somewhere other than Hilo.

Your Committee is also informed of the frustration experienced by the UH Hilo as a result of perceived domination within the University system by the Manoa campus.

Your Committee has inserted language to assure that the study look at all options for higher education on the Big Island, including all geographic options.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 119, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 119, H.D. 1.

Signed by all members of the Committee.

SCRep. 1037 Higher Education and the Arts on H.C.R. No. 21

The purpose of this concurrent resolution is to request that the Legislative Reference Bureau and the Department of Planning and Economic Development jointly conduct a study to determine the feasibility of establishing a separate public university system that encompasses the present UH at Hilo system. The Legislative Reference Bureau shall examine all aspects of the transfer of functions from the University to another public university in Hilo, and the DPED shall assess the economic impact of a separate university system in Hilo.

The University administration testified in opposition to this measure, expressing concerns that having two university systems would be inefficient, wasteful, and would lower the quality of education.

The DPED testified in favor of the measure, and stated that a dynamic college campus can stimulate growth in relatively unpopulated areas, and that the Big Island is a good choice, as it appears to have growth potential in spite of economic problems.

The Hawaii County Research and Development Director also supports this resolution, and believes that educational opportunities can be enhanced to the benefit of the Big Island's economy.

Your Committee feels that the Big Island may possess attributes that uniquely qualify it as a site for a separate university system. The physical features include astronomical observation sites, geothermal and ocean thermal resources, diverse climatic conditions, and an abundance of space. The nature of the island's agriculture industry lends itself to study and research, and the city of Hilo has the potential to develop into a thriving "college town". It is also possible that higher education on the Big Island should be located somewhere other than Hilo.

Your Committee is also informed of the frustration experienced by the UH Hilo as a result of perceived domination within the University system by the Manoa campus.

Your Committee has amended this concurrent resolution by deleting the Legislative Reference Bureau as the lead agency and asking the Legislative Auditor to conduct the study with DPED, as well as with the cooperation of the University of Hawaii.

Your Committee has also inserted language to assure that the study look at all options for higher education on the Big Island, including all geographic options.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 21, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 21, H.D. 1.

Signed by all members of the Committee except Representative Cavasso.

SCRep. 1038 Higher Education and the Arts on H.R. No. 222

The purpose of this resolution is to recommend that the University of Hawaii Board of Regents defer any further tuition increases for at least one year, and that public hearings be conducted at the University of Hawaii at Hilo, University of Hawaii at Manoa, and one Community College campus.

Your Committee is concerned that the proposed tuition increases, in combination with other factors such as the decreasing availability of student loans may place an undue burden on students. Also, this resolution reminds the University of its unique position as the only public institution of higher learning in the state, and its responsibility to remain affordable to residents.

Testimony was received from the University of Hawaii administration, acknowledging the Board of Regents responsibility to act prudently in setting tuition rates, and confidence in their decisions. Testimony was also received from a University of Hawaii graduate student supporting this resolution.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 222 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Cavasso.

SCRep. 1039 Higher Education and the Arts on H.C.R. No. 69

The purpose of this concurrent resolution is to recommend that the University of Hawaii Board of Regents defer any further tuition increases for at least one year, and that public hearings be conducted at the University of Hawaii at Hilo, University of Hawaii at Manoa, and one Community College campus.

Your Committee is concerned that the proposed tuition increases, in combination with other factors such as the decreasing availability of student loans may place an undue burden on students. Also, this concurrent resolution reminds the University of its unique position as the only public institution of higher learning in the state, and its responsibility to remain affordable to residents.

Testimony was received from the University of Hawaii administration, acknowledging the Board of Regents responsibility to act prudently in setting tuition rates, and confidence in their decisions. Testimony was also received from a University of Hawaii graduate student supporting this concurrent resolution.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 69 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1040 Agriculture on H.R. No. 38

The purpose of this resolution is to have the Papaya Administrative Committee present an overview of their operations and recent activities, including a status report on the papaya industry's economic health.

Your Committee finds that papaya is the second leading fresh fruit exported from Hawaii, and represents an important component of the state's diversified agriculture industry.

Your Committee also finds that the papaya industry has experienced several set-backs recently as a result of natural causes, the ban on ethylene dibromide, and the adverse marketing effects of the double-dip system. In combination, these setbacks have worked to threaten the economic viability of the industry.

Your Committee has amended this resolution by changing the "BE IT RESOLVED" clause to request that the Papaya Administrative Committee present its review of their activities and the health of the industry to the House Agriculture Committee during the 1985 legislative interim rather than during the 1985 session.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No.

38, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 38, H.D. 1.

Signed by all members of the Committee except Representative Pfeil.

SCRep. 1041 Agriculture and Water, Land Use, Development and Hawaiian
Affairs on H.R. No. 41

The purpose of this resolution is to request a review and update of the agricultural parks program, including an appraisal of the Statewide Agricultural Park Action Plan and the agricultural parks law.

Your Committees find that the agricultural park program has encountered various problems and its continued operation has been questioned. The Department of Agriculture believes that the agricultural park program is performing well in accordance with the present statutory intent, and regular updates on the financial and other status of the program have been presented to the Legislature.

Your Committees also find that the departments have held off making appraisals and recommendations regarding the Statewide Agricultural Park Action Plan, pending legislative review of these reports.

Your Committees have amended this resolution by deleting the request that a review of the agricultural parks programs be presented prior to the adjournment of the 1985 Session, and requesting instead that such a review be presented during the 1985 legislative interim.

Your Committees on Agriculture and Water, Land Use, Development, and Hawaiian Affairs concur with the intent and purpose of H.R. No. 41, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 41, H.D. 1.

Signed by all members of the Committees except Representative Pfeil.

SCRep. 1042 Planning, Energy and Environmental Protection and Water, Land
Use, Development and Hawaiian Affairs on H.R. No. 144

The purpose of this resolution is to urge the State Plan Policy Council to formally recognize the value of employee ownership in Hawaii business by promoting this concept within the Hawaii State Plan.

Your Committees find that there is a growing awareness that if employees are given the opportunity to participate in the management and ownership of the businesses for which they work, those businesses will experience increased employee performance simply because their employees will function as interested and concerned owners of the business. The promotion of this concept in the Hawaii State Plan will foster an improved business economy State-wide. Your Committees find that it is timely and appropriate to include the concept of employee ownership and participation as a guideline in the Hawaii State Plan.

Your Committees on Planning, Energy and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 144 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1043 Agriculture and Planning, Ecology and Environmental Protection
on H.R. No. 131

The purpose of this resolution is to urge the United States government to establish a biological research institute in Hawaii to conduct studies on the biological control of agricultural pests.

Your Committees find that biological control is a method of controlling pests by exposing them to their own natural enemies, and that such an approach represents a safe and effective alternative to the use of pesticides.

Your Committees also find that Hawaii has practiced such control programs for

the past 90 years and is considered to be one of the world leaders in both the practice and research of biological pest control.

Your Committees further find that the Department of Agriculture and the University of Hawaii have already undertaken, or are currently planning for, the implementation of research activities such as those envisioned for the institute proposed in this resolution. Testimony received by your Committees on this resolution further indicated that any efforts to expand Hawaii's role in biological control research should focus on the control of tropical and pests and diseases, since adequate information is lacking in this particular area.

Your Committees are of the opinion that since both the State Department of Agriculture and the University of Hawaii are already pursuing research efforts in biological control and have the basic facilities and personnel from which to develop an expanded program in the biological control of tropical pests, that the establishment of a separate research institute is unnecessary.

Your Committees, therefore have amended this resolution in the following manner:

(1) Amending the title to read "URGING THE ESTABLISHING OF A BIOLOGICAL RESEARCH INSTITUTE FOR TROPICAL PESTS IN HAWAII";

(2) Amending the fifth WHEREAS clause to reflect the need for a research institute that focuses on tropical insect pests and diseases;

(3) Amending the sixth and seventh WHEREAS clauses to reflect Hawaii's preeminence in the field of biological research; and

(4) Amending the third BE IT RESOLVED clause to urge the federal government to provide grants-in-aid to the Department of Agriculture and the University of Hawaii to continue and to expand their existing programs on the biological control of tropical pests.

Your Committees have also made technical, non-substantive amendments for purposes of clarity and to remedy drafting errors.

Your Committees on Agriculture and Planning, Ecology, and Environmental Protection concur with the intent and purpose of H.R. No. 131, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 131, H.D. 1.

Signed by all members of the Committees except Representative Pfeil.

SCRep. 1044 Agriculture and Planning, Ecology and Environmental Protection
on H.C.R. No. 26

The purpose of this concurrent resolution is to urge the United States government to establish a biological research institute in Hawaii to conduct studies on the biological control of agricultural pests.

Your Committees find that biological control is a method of controlling pests by exposing them to their own natural enemies, and that such an approach represents a safe and effective alternative to the use of pesticides.

Your Committees also find that Hawaii has practiced such control programs for the past 90 years and is considered to be one of the world leaders in both the practice and research of biological pest control.

Your Committees further find that the Department of Agriculture and the University of Hawaii have already undertaken, or are currently planning for, the implementation of research activities such as those envisioned for the institute proposed in this resolution. Testimony received by your Committees on this resolution further indicated that any efforts to expand Hawaii's role in biological control research should focus on the control of tropical and pests and diseases, since adequate information is lacking in this particular area.

Your Committees are of the opinion that since both the State Department of Agriculture and the University of Hawaii are already pursuing research efforts in biological control and have the basic facilities and personnel from which to develop an expanded program in the biological control of tropical pests, that the estab-

lishment of a separate research institute is unnecessary.

Your Committees, therefore have amended this concurrent resolution in the following manner:

(1) Amending the title to read "URGING THE ESTABLISHING OF A BIOLOGICAL RESEARCH INSTITUTE FOR TROPICAL PESTS IN HAWAII";

(2) Amending the fifth WHEREAS clause to reflect the need for a research institute that focuses on tropical insect pests and diseases;

(3) Amending the sixth and seventh WHEREAS clauses to reflect Hawaii's preeminence in the field of biological research; and

(4) Amending the third BE IT RESOLVED clause to urge the federal government to provide grants-in-aid to the Department of Agriculture and the University of Hawaii to continue and to expand their existing programs on the biological control of tropical pests.

Your Committees have also made technical, non-substantive amendments for purposes of clarity and to remedy drafting errors.

Your Committees on Agriculture and Planning, Ecology, and Environmental Protection concur with the intent and purpose of H.C.R. No. 26, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 26, H.D. 1.

Signed by all members of the Committees except Representative Pfeil.

SCRep. 1045 Employment Opportunities and Labor Relations on H.R. No. 218

The purpose of this resolution is to encourage employers to develop policies for the hiring, retention and promotion of older workers.

Your Committee is in agreement with the Department of Labor and Industrial Relations and in full support of their ongoing work to promote gainful employment for the older workers.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 218 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1046 Employment Opportunities and Labor Relations on H.R. No. 207

The purpose of this resolution is to urge public and private employers to list all job openings with the State Employment Service Job Bank Office.

Your Committee adopted the recommendation of the Department of Labor and Industrial Relations by adding a section urging employers to list their job openings not only with the Job Bank on Oahu, but with State Employment Service offices on all the other islands as well, to benefit all jobseekers and employers.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 207, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 207, H.D. 1.

Signed by all members of the Committee.

SCRep. 1047 Health on H.C.R. No. 73

The purpose of this concurrent resolution is to request the Federal Government to take a variety of actions to assist persons afflicted with schizophrenia.

More specifically, this concurrent resolution requests an increase in research funds, an increase in funding for support programs, and assistance in ending discriminatory housing practices with respect to schizophrenics.

The director of the Department of Health presented testimony supporting the intent of the concurrent resolution; however, a concern was expressed that the concurrent resolution contains statements which appear to ask for greater Federal intervention in State directed programs to assist schizophrenics, and which also appear to ask for the diversion of funds from another program to the program dealing with schizophrenics. The director also suggested that the request for increase in funds should be for the purpose of encouraging research into all aspects of mental illnesses and not only into those dealing with biological mental illnesses, the category into which schizophrenia falls.

Your Committee agrees that the concerns of the director of the Department of Health are well taken and, accordingly, have amended the concurrent resolution to reflect those concerns.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 73, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 73, H.D. 1.

Signed by all members of the Committee.

SCRep. 1048 Corrections and Rehabilitation on H.C.R. No. 16

The purpose of this concurrent resolution is to request the House Committee on Corrections and Rehabilitation to hold hearings to review charges made by the United States Justice Department against the management and staff of the Oahu Community Correctional facility (OCCC), and the responses of State officials to those charges.

Your Committee heard testimony from the Department of Social Services and Housing (DSSH), Governor's Corrections Task Force, and the Office of the Attorney General, State of Hawaii. Mr. James Dannenberg, representing the Office of the Attorney General, who has been the acting attorney on the case, furnished your committee with certain correspondence between the Federal Justice Department and the State of Hawaii outlining the federal allegations regarding the Oahu Community Correctional Facility and the State's responses thereto. More specifically, in a December 18, 1984, letter to Governor George R. Ariyoshi, the Justice Department made the following charges against OCCC:

- (1) the levels of violence at OCC are "excessive and continuing";
- (2) overcrowding presents a "severe and continuing problem";
- (3) security is "inadequate";
- (4) there are "major inadequacies" in the provisions for fire safety;
- (5) medical, dental, and psychiatric care is inadequate; and
- (6) environmental health conditions are poor.

Mr. Dannenberg testified that in his December 28, 1984, response to the December 18 letter, he indicated that his office was not in complete agreement with the Department's conclusions, specifically in regards to inmate brutality, and that the investigation was superficial and relied almost exclusively upon a few unreliable informants. Furthermore, Mr. Dannenberg indicated that the Department did not furnish his office with specific information regarding names of the inmates or guards who were allegedly involved in prison violence. Nor were detailed descriptions provided of the circumstances relating to the Department's allegations.

Mr. Dannenberg also stated in his testimony that prison problems are being acted upon by the State of Hawaii. For example, the Office of the Attorney General has initiated the prosecution of at least 20 guards for abusing inmates. Moreover, funding has been provided by the Legislature to expand prison bed-space, including monies for the construction of a medium security facility at Halawa. In addition, the Corrections Division of DSSH is anticipating funding during the 1985-1987 biennium for additional guard and medical staffing.

Both representatives from the DSSH and the Governor's Corrections Task Force concurred with the testimony of Mr. Dannenberg.

In addition, Dr. Irwin Tanaka, representing the Governor's Corrections Task Force, testified that future negotiations between the Task Force and the U.S. Department of Justice are planned. Dr. Tanaka informed your Committee that the Governor formed the task force to review corrections matters and is composed of representatives from the Courts, the Honolulu Police Department, the Office of the Prosecuting Attorney, the Corrections Division, and the Hawaii Paroling Authority.

Your Committee finds that many questions raised by the U.S. Department of Justice deserve further investigation. However, your Committee is in agreement that the Federal Justice Department should be more forthcoming in raising certain allegations against the State of Hawaii. Your Committee would also like to point out that its Chairman invited representatives from the Justice Department to furnish testimony at the hearing on this concurrent resolution but was turned down on the basis that officers from the Justice Department were prohibited from doing so under federal law. However, your Committee Chairman conducted a cursory review of the federal statutes and could find no such law.

Finally, as the policy making body with fiscal authority over the corrections matters, your Committee believes that the legislature should be kept apprised of the progress of ongoing negotiations between the Governor's Task Force and the Federal Justice Department.

Accordingly, your Committee has amended this concurrent resolution by inserting language in the "BE IT RESOLVED" clause to request that the Governor's Corrections Task Force in consultation with the Office of the Attorney General, State of Hawaii, present an updated report on the progress of the U.S. Department of Justice's investigation and the planned negotiations between the task force and the U.S. Department of Justice. The report shall include a description of measures taken by the State to address legitimate concerns raised by the Justice Department.

Your Committee has also amended this concurrent resolution by inserting the Governor's Corrections Task Force in the "BE IT FURTHER RESOLVED" clause and deleting the Chairperson of the House Committee on Corrections and Rehabilitation to receive copies of the Concurrent Resolution.

Finally, your Committee has inserted in the "BE IT FURTHER RESOLVED" clause that the report be submitted twenty days prior to the convening of the 1986 session.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.C.R. No. 16, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 16, H.D. 1.

Signed by all members of the Committee.

SCRep, 1049 Corrections and Rehabilitation on H.R. No. 104

The purpose of this resolution is to request the House Committee on Corrections and Rehabilitation to hold hearings to review charges made by the United States Justice Department against the management and staff of the Oahu Community Correctional facility (OCCC), and the responses of State officials to those charges.

Your Committee heard testimony from the Department of Social Services and Housing (DSSH), Governor's Corrections Task Force, and the Office of the Attorney General, State of Hawaii. Mr. James Dannenberg, representing the Office of the Attorney General, who has been the acting attorney on the case, furnished your committee with certain correspondence between the Federal Justice Department and the State of Hawaii outlining the federal allegations regarding the Oahu Community Correctional Facility and the State's responses thereto. More specifically, in a December 18, 1984, letter to Governor George R. Ariyoshi, the Justice Department made the following charges against OCCC:

- (1) the levels of violence at OCC are "excessive and continuing";
- (2) overcrowding presents a "severe and continuing problem";
- (3) security is "inadequate";
- (4) there are "major inadequacies" in the provisions for fire safety;

- (5) medical, dental, and psychiatric care is inadequate; and
- (6) environmental health conditions are poor.

Mr. Dannenberg testified that in his December 28, 1984, response to the December 18 letter, he indicated that his office was not in complete agreement with the Department's conclusions, specifically in regards to inmate brutality, and that the investigation was superficial and relied almost exclusively upon a few unreliable informants. Furthermore, Mr. Dannenberg indicated that the Department did not furnish his office with specific information regarding names of the inmates or guards who were allegedly involved in prison violence. Nor were detailed descriptions provided of the circumstances relating to the Department's allegations.

Mr. Dannenberg also stated in his testimony that prison problems are being acted upon by the State of Hawaii. For example, the Office of the Attorney General has initiated the prosecution of at least 20 guards for abusing inmates. Moreover, funding has been provided by the Legislature to expand prison bed-space, including monies for the construction of a medium security facility at Halawa. In addition, the Corrections Division of DSSH is anticipating funding during the 1985-1987 biennium for additional guard and medical staffing.

Both representatives from the DSSH and the Governor's Corrections Task Force concurred with the testimony of Mr. Dannenberg.

In addition, Dr. Irwin Tanaka, representing the Governor's Corrections Task Force, testified that future negotiations between the Task Force and the U.S. Department of Justice are planned. Dr. Tanaka informed your Committee that the Governor formed the task force to review corrections matters and is composed of representatives from the Courts, the Honolulu Police Department, the Office of the Prosecuting Attorney, the Corrections Division, and the Hawaii Paroling Authority.

Your Committee finds that many questions raised by the U.S. Department of Justice deserve further investigation. However, your Committee is in agreement that the Federal Justice Department should be more forthcoming in raising certain allegations against the State of Hawaii. Your Committee would also like to point out that its Chairman invited representatives from the Justice Department to furnish testimony at the hearing on this resolution but was turned down on the basis that officers from the Justice Department were prohibited from doing so under federal law. However, your Committee Chairman conducted a cursory review of the federal statutes and could find no such law.

Finally, as the policy making body with fiscal authority over the corrections matters, your Committee believes that the legislature should be kept apprised of the progress of ongoing negotiations between the Governor's Task Force and the Federal Justice Department.

Accordingly, your Committee has amended this resolution by inserting language in the "BE IT RESOLVED" clause to request that the Governor's Corrections Task Force in consultation with the Office of the Attorney General, State of Hawaii, present an updated report on the progress of the U.S. Department of Justice's investigation and the planned negotiations between the task force and the U.S. Department of Justice. The report shall include a description of measures taken by the State to address legitimate concerns raised by the Justice Department.

Your Committee has also amended this resolution by inserting the Governor's Corrections Task Force in the " BE IT FURTHER RESOLVED" clause and deleting the Chairperson of the House Committee on Corrections and Rehabilitation to receive copies of the Resolution.

Finally, your Committee has inserted in the "BE IT FURTHER RESOLVED" clause that the report be submitted twenty days prior to the convening of the 1986 session.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.R. No. 104, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 104, H.D. 1.

Signed by all members of the Committee.

SCRep. 1050 Corrections and Rehabilitation on H.R. No. 187

The purpose of this resolution is to commend Chaplain Rick Bartosik of the Good News Mission for his leadership role in the Volunteer Chaplaincy Program at the Oahu Community Correctional Center and other correctional centers. This resolution also encourages Chaplain Bartosik, Associate Chaplain Inouye, and the staff of the Prison Ministry Volunteers to expand their services to all OCCC modules and to all of the correctional facilities in Hawaii.

Your Committee heard testimony from the Department of Social Services and Housing which expressed support and appreciation for all of the efforts of Chaplain Bartosik and his staff and volunteers in their ministry work with inmates, which has contributed to their rehabilitation. Your Committee also heard testimony from the Inmate Chaplain's Assistant and an inmate who stated that the Volunteer Chaplaincy Program has attempted to promote a prison atmosphere of encouragement and hope instead of violence and confusion.

Your Committee recognizes and commends the achievements of the Volunteer Chaplaincy Program including the hard work and efforts of Chaplain Bartosik, his staff and volunteers. Your Committee further recognizes the support provided by the Good News Mission, a national organization which supports prison ministries in other states, and the involvement of many local churches in the program. Your Committee therefore encourages the expansion of the program to all state correctional facilities.

Your Committee has amended this resolution to clarify that Chaplain Bartosik is not a salaried state employee, and receives financial support from the Good News Mission.

Your Committee has also amended the last "BE IT FURTHER RESOLVED" clause by inserting "Chaplain Rick Bartosik, Chaplain for the Hawaii Corrections Division".

Technical and nonsubstantive amendments for the purposes of clarity have also been made.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.R. No. 187, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 187, H.D. 1.

Signed by all members of the Committee.

SCRep. 1051 Finance on S.B. No. 1075

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 \$1.00.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1075, 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. 1052 Education on H.R. No. 335

The purpose of this resolution is to request the House Education Committee to examine the statewide standardized testing program of the Department of Education and to review the testing program; purposes, appropriateness, and desirability of streamlining the testing program; worth of the tests to teachers in understanding

the instructional achievements and deficiencies of their students; and problems regarding evaluation and timely delivery of results.

Your Committee heard testimony in favor of this resolution from the Department of Education and the Hawaii State Teachers Association.

Your Committee agrees that standardized testing can be an important factor in identifying and correcting instructional deficiencies. However, your Committee finds that currently test results are not provided to teachers in a timely fashion nor is adequate assistance in evaluating test results offered. Your Committee concurs that there is an urgent need to correct these problems.

The Department of Education offered a list of purposes of the four tests currently being administered statewide. Yet, the Department was unable to explain how the tests were effectuating positive changes. Your Committee finds a need for an assessment of the beneficial impact of the test results on the students.

Your Committee has made the following amendments to this resolution: 1) The Legislative Reference Bureau replaces the Committee on Education as the body to examine and review the statewide testing program of the Department of Education; 2) the Director of the Legislative Reference Bureau is to receive a certified copy of this resolution; and 3) a technical, nonsubstantive amendment is made for the purpose of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.R. No. 335, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 335, H.D. 1.

Signed by all members of the Committee.

SCRep. 1053 Public Employment and Government Operations on H.R. No. 261

The purpose of this resolution is to request an audit of the operation and maintenance program of all public buildings, including but not limited to repairs to facilities as well as the conservation of energy and supplies.

Your Committee believes that this resolution addresses the importance of on-going preventive and corrective maintenance of State buildings to ensure the optimum working environment for State workers and to ensure the public's safety, health, and welfare while on the premises of State buildings.

Your Committee has received testimony from the Department of Accounting and General Services (DAGS), the Department of Health (DOH), the Department of Social Services and Housing (DSSH), the Department of Transportation (DOT), and the Department of Education (DOE) generally in favor of the intent of the resolution. However, DAGS, DOH, and DSSH testified that the departments do not have the necessary resources to expand the audit to conservation measures and supplies.

Your Committee has accordingly amended the resolution to limit the audit to the operation and maintenance of public buildings. Other technical and stylistic amendments were also made.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 261, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 261, H.D. 1.

Signed by all members of the Committee.

SCRep. 1054 Public Employment and Government Operations on H.C.R. No. 88

The purpose of this concurrent resolution is to request an audit of the operation and maintenance program of all public buildings, including but not limited to repairs to facilities as well as the conservation of energy and supplies.

Your Committee believes that this concurrent resolution addresses the importance of on-going preventive and corrective maintenance of State buildings to ensure the optimum working environment for State workers and to ensure the public's safety,

health, and welfare while on the premises of State buildings.

Your Committee has received testimony from the Department of Accounting and General Services (DAGS), the Department of Health (DOH), the Department of Social Services and Housing (DSSH), the Department of Transportation (DOT), and the Department of Education (DOE) generally in favor of the intent of the resolution. However, DAGS, DOH, and DSSH testified that the departments do not have the necessary resources to expand the audit to conservation measures and supplies.

Your Committee has accordingly amended the resolution to limit the audit to the operation and maintenance of public buildings. Other technical and stylistic amendments were also made.

Your Committee on Public Employment and Government Operations 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.

SCRep. 1055 Public Employment and Government Operations on H.R. No. 103

The purpose of this resolution is to request the Department of Accounting and General Services to submit a report to the Legislature, prior to the convening of the Regular Session of 1986, on the retrofit of the central air conditioning systems of state buildings. The report is to include: an inventory of multi-story state buildings with central air conditioning systems; information on past retrofit of the central air conditioning systems of state buildings which allows air conditioning on a floor by floor, section by section, or room by room basis; and plans to retrofit the central air conditioning systems of state buildings to allow air conditioning on a floor by floor, section by section, or room by room bases, including the cost-benefit analyses of the plans.

Your Committee heard testimony from the Department of Accounting and General Services which indicated that it would have no objections to preparing the requested report for State buildings which fall under its jurisdiction; however, it would be a problem if they were to prepare a report for State buildings not under its control such as the University of Hawaii, community colleges, airports, hospitals, correction facilities, and the courts. The Department of Accounting and General Services reported that plans to modify the central air conditioning system of the State Capitol to provide for efficient and flexible operation are already under way.

Your Committee finds that air conditioning requires a relatively large consumption of energy, and energy is wasted if no work is performed in an area being cooled. Your Committee also finds that certain state buildings, such as the Capitol, have central air conditioning systems, but central air conditioning systems may not be energy efficient because they usually cannot be shut off for only a portion of the building. Your Committee believes that one means by which the State may achieve its goal of energy conservation is for the State to support a program to provide for the installation of energy efficient retrofits in public hospitals, schools and other buildings.

Because the various State buildings affected by this resolution fall under the jurisdiction of different departments, your Committee has amended the resolution to provide that the several State departments are to prepare the requisite report for buildings under their respective jurisdiction. Accordingly, reports are being requested of the Judiciary, the University of Hawaii, and the Departments of Accounting and General Services, Health, Social Services and Housing, and Transportation.

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

Signed by all members of the Committee.

SCRep. 1056 Public Employment and Government Operations on H.R. No. 88

The purpose of this resolution is to request the House Committees on Public Employment and Government Operations and Finance to review the county financing structure and investigate alternative methods of funding for the counties.

Your Committee received written testimony from the Hawaii State Association of Counties in full support of the resolution. The Association also suggested that there be direct county input during the review and deliberations of the Legislative Committees to assure the currency and relevancy of information on county responsibilities and related financial needs.

Your Committee finds that, in recent years, the counties have faced an increasing demand for services and need for public improvements, partly due to the Federal government's withdrawal from certain public programs formerly funded with federal dollars. At the same time the revenues for the counties from traditional sources have not kept pace with the increasing demands and costs of such services. Because of this dramatic increase in the demands for and costs of needed public improvements and services, it is imperative that new and innovative methods of financing be developed for the counties.

Before effective steps can be taken to develop alternative methods of county funding, your Committee believes that it is necessary to gain a better understanding of the county financing structure, as well as the population, tax effort, relative income, programs, and needs of each county. Accordingly, the House Committees on Public Employment and Government Operations and Finance are to review the various elements affecting the county financing structure and investigate alternative methods of funding for the counties.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 88 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1057 Public Employment and Government Operations and Judiciary on
H.R. No. 185

The purpose of this resolution is to request the Governor of the State of Hawaii to initiate the establishment of a sister-state/province relationship between the State of Hawaii and the Province of Taiwan of the Republic of China.

Your Committees heard testimony from Mr. Paul Tso, Director, Coordination Council for North American Affairs, Honolulu Office of the Republic of China on Taiwan, in whole-hearted support of the resolution. Mr. Tso stated that, although the trade volume between the Republic of China on Taiwan and the State of Hawaii was nearly \$133 million in 1983, it was like a drop in a bucket in the two-way trade between the two countries. He indicated that the establishment of a sister state relationship would be a giant step forward toward the expansion of commercial and trade relations. Mr. Tso believed that the establishment of a sister state relationship can help to improve the tourism trade from the Republic of China on Taiwan to Hawaii. Also, it can help to promote cooperation, mutual respect, understanding, and economic reciprocity through the high-tech and computer industries in the Province of Taiwan.

Your Committees find that the Province of Taiwan of the Republic of China and the State of Hawaii are neighbors geographically, trading partners economically, and mutual beneficiaries culturally. Your Committees also find that the City and County of Honolulu, the County of Hawaii, and the County of Maui are already sister-city and sister-counties of Kaohsiung City, Hualien County, and Pingtung County, respectively, of Taiwan Province, Republic of China.

Your Committees believe that it would be of great mutual interest for the State of Hawaii and the Republic of China on Taiwan to expand their relationships and thus enjoy the benefits of a larger share in the two-way trade between the two countries. Since the Republic of China on Taiwan has consistently sought to bring a modern life of freedom and happiness to its people while playing an increasingly important role in the Pacific community, it appears appropriate and timely to establish a sisterhood relationship between the Republic of China on Taiwan and the State of Hawaii.

Your Committees on Public Employment and Government Operations and Judiciary concur with the intent and purpose of H.R. No. 185 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Menor, Shito, Jones and Lju.

SCRep. 1058 Higher Education and the Arts on H.R. No. 247

The purpose of this resolution is to request that the University of Hawaii grant permanent status to their Hawaiian Studies Program.

Your Committee has received testimony from the University of Hawaii Chancellor, explaining that the Hawaiian Studies Program is currently undergoing the normal probationary period required of all new programs. However, he added that the University has a unique responsibility to take a leading role in the preservation and promotion of Hawaiian language, art and culture. Testifying in favor of this resolution were representatives of the Office of Hawaiian Affairs, the Association of Hawaiian Civics Clubs, the Hawaiian Civics Political Action Committee, and a University student majoring in Hawaiian Studies.

Your Committee has amended this resolution for the purpose of correcting typographical errors.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 247, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 247, H.D. 1.

Signed by all members of the Committee.

SCRep. 1059 Higher Education and the Arts on H.R. No. 331

The purpose of this resolution is to request that the University of Hawaii Board of Regents authorize an increase in the number of graduate assistant positions at the Manoa Campus.

Your Committee recognizes the role and importance of graduate assistants. Increasing the number of graduate assistant positions will allow a greater number of students to gain instructional experience, give the University faculty research support, and increase the contact and interaction of undergraduates with their instructors.

Testimony of the Graduate Student Organization indicated that the University has far fewer graduate assistant positions than many comparable universities nationwide, and that increasing the number of graduate assistant positions is a significant step in achieving parity with other research universities. Also testifying in favor of this resolution were the Dean of the Graduate Division, and a representative of the Faculty Senate.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 331 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Morgado.

SCRep. 1060 Higher Education and the Arts on H.C.R. No. 116

The purpose of this concurrent resolution is to request that the University of Hawaii Board of Regents authorize an increase in the number of graduate assistant positions at the Manoa Campus.

Your Committee recognizes the role and importance of graduate assistants. Increasing the number of graduate assistant positions will allow a greater number of students to gain instructional experience, give the University faculty research support, and increase the contact and interaction of undergraduates with their instructors.

Testimony of the Graduate Student Organization indicated that the University has far fewer graduate assistant positions than many comparable universities nationwide, and that increasing the number of graduate assistant positions is a significant step in achieving parity with other research universities. Also testifying in favor of this concurrent resolution were the Dean of the Graduate Division, and a representative of the Faculty Senate.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 116 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1061 Higher Education and the Arts on H.R. No. 231

The purpose of this resolution is to request that the State Foundation on Culture and the Arts, in cooperation with the Hawaii Visitors Bureau and Hawaiian civic and cultural organizations, study the feasibility of establishing and supporting a Native Hawaiian performing arts touring group to promote Hawaiian culture, history and language worldwide. This resolution also provides guidelines to direct the State Foundation on Culture and the Arts in establishing the goals, policies and activities of such a performing arts group.

Your Committee heard favorable testimony from the State Foundation on Culture and the Arts expressing support and enthusiasm for the concept of such a group; however, they noted the difficulties they expected to encounter when dealing with subjects such as ethnicity, history and religion, which elicit strong, deeply rooted opinions. Also testifying in favor of this resolution was a representative of Alu Like, Inc., who supported this measure, and urged that the study be even more thorough and comprehensive.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 231 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1062 Higher Education and the Arts on H.C.R. No. 76

The purpose of this concurrent resolution is to request that the State Foundation on Culture and Arts, in cooperation with the Hawaii Visitors Bureau and Hawaiian civic and cultural organizations, study the feasibility of establishing and supporting a Native Hawaiian performing arts touring group to promote Hawaiian culture, history and language worldwide. This concurrent resolution also provides guidelines to direct the State Foundation on Culture and the Arts in establishing the goals, policies and activities of such a performing arts group.

Your Committee heard favorable testimony from the State Foundation on Culture and the Arts expressing support and enthusiasm for the concept of such a group; however, they noted the difficulties they expect to encounter when dealing with subjects such as ethnicity, history and religion, which elicit strong, deeply rooted opinions. Also testifying in favor of this concurrent resolution was a representative of Alu Like, Inc., who supported this measure, and urged that the study be even more thorough and comprehensive.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 76 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1063 Education on H.R. No. 338

The purpose of this resolution is to request the State Librarian to study the feasibility of making substitute librarians and clerks available within the public library system and consider a pilot project to this effect.

Your Committee heard testimony from the Office of Library Services in support

of this resolution. The State Librarian indicated that there is an average 8 percent difference between authorized hours of library personnel and actual hours of available staff. The difference in hours is a result of vacations, sick leaves, position vacancies, and leaves without pay, not including continuing educational opportunities or departmental meetings.

Your Committee finds that there is a definite need for substitute librarians and library clerks as there is no formal arrangement to provide for library personnel who are absent from work.

Your Committee has amended this resolution by changing the request for study from the "State Librarian" to the "Office of Library Services" as a more appropriate designation. Your Committee has also made technical, nonsubstantive amendments.

Your Committee on Education concurs with the intent and purpose of H.R. No. 338, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 338, H.D. 1.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1064 Judiciary on H.R. No. 176

The purpose of this resolution is to request the police departments of each county to devise a plan to notify persons who may be entitled to receive compensation or indemnification under the criminal injuries compensation act as soon as possible after a crime is reported.

Your Committee heard testimony in support of the resolution from the criminal injuries compensation commission and the City and County of Honolulu Police Department (HPD).

Testimony indicated that in Hawaii, only 20% of the eligible victims file claims under the criminal injuries compensation act. Your Committee finds that this may be due in part that victims are often notified at the time of the pre-sentence report, whereas they should be given notification much earlier.

HPD stated that they have no objection to developing a plan to notify persons entitled to receive compensation. Brochures are currently available from the department of social services and housing for victims to consult. Because the police come in contact with every eligible victim of crime, police involvement will be an effective means of ensuring that the intended beneficiaries know their rights and how they may receive assistance.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 176 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1065 Judiciary on H.R. No. 11

The purpose of this resolution is to review the feasibility of establishing six member juries in civil cases.

The resolution requests that the judiciary study the current twelve member jury requirement in civil cases and determine whether civil cases may be tried with fewer number of jurors.

The judiciary cited a 1976 study which analyzed the jury trial system in Hawaii. The study recommended that the size of juries in civil cases remain the same. However, the study went on to say that if a change is made, the jury should be composed of eight jurors and that the change be implemented on a trial basis for two years. Further, the judiciary stated that it would update their study pursuant to the request of the Committee.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 11 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1066 Judiciary on H.R. No. 12

The purpose of this resolution is to study alternatives to expedite the adjudication of traffic cases.

The judiciary testified that the number of traffic violations has grown rapidly during the past decade. The increase is attributed to increases in the number of automobiles and drivers and to the public's growing concern for law enforcement and highway safety. As a result, the district court calendar is now facing serious caseload congestion since all traffic offenses are processed by district court. The judiciary has already started investigating alternatives and expects to present next session, its recommendations together with appropriate budgetary requests.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 12 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1067 Higher Education and the Arts on H.R. No. 198

The purpose of this resolution is to address the anticipated shortage of certified automotive mechanics in Hawaii by requesting that the University of Hawaii develop a demonstration course that would assist auto mechanics in attaining the level of proficiency needed to pass the Hawaii Motor Vehicle Mechanic's Certification Exam.

Testimony favorable to this resolution was received from the Community College Chancellor, the Department of Labor and Industrial Relations Commission on Manpower and Full Employment, and the Motor Vehicle Repair Industry Association. This resolution referred to the Commission on Manpower and Full Employment's 1984 study entitled "The Impact of Technology on Hawaii's Automotive Mechanics: An Analysis with Recommendations" which found that since certification was first required in 1975 (Chapter 437B, Hawaii Revised Statutes), the number of "grandfathered" certified mechanics has steadily declined, while the number of newly certified mechanics has not kept up with the losses.

Your Committee has adopted the amendments recommended by the Community College Administration. In the first resolution clause, the phrase "develop a demonstration course" has been deleted, and replaced with "investigate means of assisting mechanics". This allows flexibility since a single demonstration course may not necessarily be the best way to resolve the problem. In the second resolution clause, reference to the Community Colleges was deleted. This will allow the participation of the Office of the State Director of Vocational Education, which is also involved in the certification process, and the designation "University of Hawaii" will encompass both offices. Finally, the State Director of Vocational Education has been added to the transmittal list.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 198, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 198, H.D. 1.

Signed by all members of the Committee.

SCRep. 1068 Higher Education and the Arts on H.R. No. 245

The purpose of this resolution is to request that the University of Hawaii expand its Task Force on the underrepresentation of Hawaiians at the University to include the establishment of a permanent liaison officer under the Vice-President for Academic Affairs. That officer would facilitate communication and provide support for the Association of Hawaiian Civic Clubs, and other interested organizations. This resolution also lists the strategies and goals recommended by the Task Force to further their goal of greater higher educational opportunities for underrepresented students.

Your Committee received testimony from the University Administration questioning the need and appropriateness of having a liaison officer for external groups, as the Task Force was established as an internal advisory body. It was also stated that, in the past, a staff member of the Office of the Vice-President for Academic Affairs has performed the functions of a liaison officer for the task force, and that

the arrangement has been satisfactory. Testifying in favor of this resolution were representatives of the Kamehameha Schools, the Hawaiian Civic Political Action Committee, the University Faculty Senate, and several interested citizens.

Your Committee has incorporated some of the recommendations of the testifiers and amended the resolution clause to request that the University study the need for a Vice-President for Minority Affairs at the Manoa Campus, rather than create a liaison position (the functions of which are already being performed). This resolution has further been amended to require that the University's report to the Legislature include, but not be limited to:

1. A status report from the Task Force detailing what has been done, and what needs to be done to promote minority enrollment.
2. A determination of what resources will be needed.
3. Inclusion of other underrepresented minorities.

The title has been changed to reflect the amendments to the body of this resolution.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 245, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 245, H.D. 1.

Signed by all members of the Committee.

SCRep. 1069 Health on H.R. No. 243

The purpose of the resolution is to request the Department of Health, with the assistance of the University of Hawaii, to conduct an epidemiological study to determine why Lana'i and Moloka'i residents have extraordinarily high rates of birth defects.

In 1984, the Research and Statistics Office of the Department of Health of the State of Hawaii, published a report entitled: "Frequency of Reproductive Dysfunction in Hawaii by Race and Judicial District 1968-1982." In the study, the Office pointed out that Lana'i and Moloka'i had the highest rate of birth defects of the judicial districts in the State of Hawaii. The study also indicated that Maui County had the highest total usage of pesticides in 1977, a period covered during the study, and that its per capita use rate was four times as much as the next highest ranking county.

It was further concluded in the study that it was not possible to evaluate the possible correlation between the districts with high rates of a reproductive dysfunction and possible exposure to known environmental hazards.

After considering the testimonies received, your Committee has concluded that there are sufficient reasons for concern about the high rates of birth defects on Lana'i and Moloka'i and that a study is merited.

Your Committee on Health concurs with the intent and purpose of H.R. No. 243 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1070 Higher Education and the Arts on H.R. No. 339

The purpose of this resolution is to request that the Governor of the State of Hawaii establish a commission to plan and coordinate activities commemorating the 200th anniversary of the arrival of the Chinese in Hawaii. This resolution also makes recommendations for community and governmental representation on the commission, as well as requiring status reports on the commission's activities and projects.

Testifying in favor of this resolution were representatives of the Chinese Chamber of Commerce and the United Chinese Society. In addition to supporting the intent of the resolution, both stated that imminent formation of the commission will

provide adequate lead time for the bi-centennial celebration in 1989.

Your Committee finds that Chinese immigration to Hawaii has made an indelible mark on Hawaiian history, commerce, and society. Thus, it is appropriate that a commission be created to plan and coordinate the celebration.

Your Committee had amended this resolution for the purposes of clarity and correcting typographical errors. Your Committee has also given the Governor increased leeway in terms of making appointments.

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

Signed by all members of the Committee.

SCRep. 1071 Water, Land Use, Development and Hawaiian Affairs and
Agriculture on H.R. No. 266

The purpose of this resolution is to express continued legislative commitment to soil and water conservation, to commend the U.S. Soil Conservation Service on its fiftieth anniversary, and to support continued federal funding of the Soil Conservation Service.

According to testimony from the Department of Land and Natural Resources, President Ronald Reagan has proposed severe cutbacks in federal expenditures for U.S. Soil Conservation Service activities, and projected reductions in the level of technical support in Hawaii, through the Hawaii office of the Soil Conservation Service, will negatively impact upon more than 5,000 farmers' attempts in soil conservation and water management practices. Your Committees are of the opinion that the proposed limitations on federal spending would have a devastating impact on Hawaii's essential agriculture industry.

Minor, non-substantive changes have been made to correct stylistic errors.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture concur with the intent and purpose of H.R. No. 266, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 266, H.D. 1.

Signed by all members of the Committees.

SCRep. 1072 Water, Land Use, Development and Hawaiian Affairs and
Agriculture on H.C.R. No. 92

The purpose of this concurrent resolution is to express continued legislative commitment to soil and water conservation, to commend the U.S. Soil Conservation Service on its fiftieth anniversary, and to support continued federal funding of the Soil Conservation Service.

According to testimony from the Department of Land and Natural Resources, President Ronald Reagan has proposed severe cutbacks in federal expenditures for U.S. Soil Conservation Service activities, and projected reductions in the level of technical support in Hawaii, through the Hawaii office of the Soil Conservation Service, will negatively impact upon more than 5,000 farmers' attempts in soil conservation and water management practices. Your Committees are of the opinion that the proposed limitations on federal spending would have a devastating impact on Hawaii's essential agriculture industry.

Minor, non-substantive changes have been made to correct stylistic errors.

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 its adoption in the form attached hereto as H.C.R. No. 92, H.D. 1.

Signed by all members of the Committee.

SCRep. 1073 Water, Land Use, Development and Hawaiian Affairs on H.R. No.
301

The purpose of this resolution is to request the federal government to return, or sell for nominal consideration, the property in the Fort DeRussy area to the State of Hawaii.

Your Committee received testimonies from public and non-profit organizations and agencies, in support of the intent of the resolution. According to testimony from the Department of Land and Natural Resources, the State's administration position on Fort DeRussy in past years has been for the retention of the site in public open area for the enjoyment of island residents and visitors alike.

Your Committee is of the opinion that the Fort DeRussy area should be turned over to the State or City and County of Honolulu for public use at no cost in reciprocity to the generous terms granted historically to the federal agencies in occupying State lands. Your Committee is in agreement that the area should not be retained by the U.S. military for any proposed military construction nor be sold to private developers for high-rise development.

Minor, non-substantive changes have been made to correct stylistic errors.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 301, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 301, H.D. 1.

Signed by all members of the Committee.

SCRep. 1074 Water, Land Use, Development and Hawaiian Affairs on H.C.R.
No. 103

The purpose of this concurrent resolution is to request the federal government to return, or sell for nominal consideration, the property in the Fort DeRussy area to the State of Hawaii.

Your Committee received testimonies from public and non-profit organizations and agencies, in support of the intent of the concurrent resolution. According to testimony from the Department of Land and Natural Resources, the State's administration position on Fort DeRussy in past years has been for the retention of the site in public open area for the enjoyment of island residents and visitors alike.

Your Committee is of the opinion that the Fort DeRussy area should be turned over to the State or City and County of Honolulu for public use at no cost in reciprocity to the generous terms granted historically to the federal agencies in occupying State lands. Your Committee is in agreement that the area should not be retained by the U.S. military for any proposed military construction nor be sold to private developers for high-rise development.

Minor, non-substantive changes have been made to correct stylistic errors.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 103, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 103, H.D. 1.

Signed by all members of the Committee.

SCRep. 1075 Water, Land Use, Development and Hawaiian Affairs on H.R. No.
251

The purpose of this resolution is to endorse the proposed nomination of Pu'uhonua o Honaunau National Historic Monument to the World Heritage List.

According to testimony from the Department of Land and Natural Resources, Pu'uhonua o Honaunau is a U.S. National Park Service property designated a National Historic Landmark in 1966. A nomination form for its placement on the World Heritage List was prepared earlier; however, the U.S. Department of the Interior reviewed the nomination and returned it to Hawaii, requesting certain revisions. The Department is presently making these revisions. Your Committee is of the opinion that legislative support would contribute significantly to eventual

support by the U.S. Department of the Interior in submitting the nomination to the World Heritage Committee in Paris for its annual review meeting in 1986.

Minor, non-substantive changes have been made to correct grammatical and stylistic errors.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 251, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 251, H.D. 1.

Signed by all members of the Committee.

SCRep. 1076 Consumer Protection and Commerce on S.B. No. 1132

The purpose of this bill is to allow local liquor commissions to grant liquor licenses to applicants who have been convicted of a felony in those cases where the applicant can demonstrate, to the satisfaction of the commission, that a prior conviction should not be held as an absolute bar to the granting of a license.

Your Committee finds that the current law imposes an absolute bar to any application of a liquor license in the event of a prior felony conviction, personal or corporate. Accordingly, your Committee finds that there are circumstances wherein the Commission should be allowed to make a determination after weighing all the facts.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1132 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Hashimoto and Hirono.

SCRep. 1077 Planning, Energy and Environmental Protection and Agriculture
on H.R. No. 242

The purpose of this resolution is to request the Office of Environmental Quality Control (OEQC) to use its capacity as coordinator of all affected agencies in matters of pesticide contamination of groundwater to determine the source of contamination found in three Maui wells.

Your Committees find that OEQC has already contracted a soils profile study for that specific area of Maui, and that the Department of Agriculture (DOA) is currently investigating the use of ethylene dibromide (EDB) on Maui. Your Committees further find that the United States Environmental Protection Agency (EPA) is also required to assist in investigating sources of contamination.

Since the EPA assistance is through the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) which is administered in Hawaii by the DOA, and because DOA is certain that the contamination is due to agricultural practices under its jurisdiction, your Committees find it more appropriate that DOA be the lead investigative agency in this case.

The resolution has been accordingly amended to designate the Department of Agriculture in this request to determine the source of contamination. In doing so, amendments are also made in designating the agency to report, and in designating recipients of the resolution.

Your Committees on Planning, Energy and Environmental Protection and Agriculture concur with the intent and purpose of H.R. No. 242, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 242, H.D. 1.

Signed by all members of the Committees.

SCRep. 1078 Planning, Energy and Environmental Protection on H.R. No. 292

The purpose of this resolution is to request the Department of Health to comply with Senate Resolution No. 129-84 which requested the Department of Health to

meet with the Governor and the Mayors of the various counties to assess the economic impact of implementing Title II, Chapter 23, relating to Underground Injection Control.

Your Committee finds that the Department of Health was designated by the Governor to develop an Underground Injection Control Program for Hawaii. The purpose of this program is to protect the State's underground sources of drinking water. Senate Resolution No. 129-84 requested the submittal of a report on the findings and recommendations of the Governor's conference on underground injection in Hawaii. To date, however, this report has not been submitted to the Legislature. Due to the critical importance of this issue, your Committee wishes to urge the prompt submission of this report.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 292 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1079 Planning, Energy and Environmental Protection on H.R. No. 53

The purpose of this resolution is to request all State agencies to submit a report to the Department of Health describing their hazardous waste management practices. This resolution also requests the Department of Health to coordinate and compile a summary of the agencies' reports.

Your Committee finds that the 1984 House interim committee on hazardous waste management practices in Hawaii recommended the development of a comprehensive plan to properly direct a State-operated waste management program for Hawaii. In response to the fact that many State agencies utilize hazardous materials, the interim committee recommended the development of a report on the current practices of all State agencies involved in the use of such materials.

Your Committee feels that this request represents a timely and important step in the development of a State coordinated hazardous waste program. This report will outline any limitations or deficiencies in the State's current system of hazardous waste management and control.

Your Committee has amended this resolution to further request the Department of Health to actively advise State agencies involved in the use of hazardous materials as to the proper procedures for its use and disposal.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 53, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 53, H.D. 1.

Signed by all members of the Committee.

SCRep. 1080 Planning, Energy and Environmental Protection on H.R. No. 52

The purpose of this resolution is to request the Department of Health to prepare a five-year hazardous waste management plan to provide the necessary details to determine future policies for a State-operated waste management program.

Your Committee finds that in recent years, it has been the intent of both the State and Federal governments to establish a State-operated hazardous waste program in Hawaii. The 1984 interim House committee on hazardous wastes in Hawaii concluded that an element necessary toward the achievement of such a goal, is a long-range plan detailing the specific needs and aspects of such a program. Your Committee finds that a five-year plan would assist in the development of an efficient State-operated hazardous waste program.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 52 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1081 Planning, Energy and Environmental Protection on H.C.R. No.
101

The purpose of this concurrent resolution is to request the Department of Health to comply with Senate Resolution No. 129-84 which requested the Department of Health to meet with the Governor and the Mayors of the various counties to assess the economic impact of implementing Title II, Chapter 23, relating to Underground Injection Control.

Your Committee finds that the Department of Health was designated by the Governor to develop an Underground Injection Control Program for Hawaii. The purpose of this program is to protect the State's underground sources of drinking water. Senate Resolution No. 129-84 requested the submittal of a report on the findings and recommendations of the Governor's conference on underground injection in Hawaii. To date, however, this report has not been submitted to the Legislature. Due to the critical importance of this issue, your Committee wishes to urge the prompt submission of this report.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 101 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1082 Corrections and Rehabilitation on H.R. No. 257

The purpose of this resolution as received is to request the Corrections Division of the Department of Social Services and Housing to develop and submit prior to the 1986 Session a correctional industries master plan including:

- (1) a listing of the enterprises which the State should focus its resources upon;
- (2) resource requirements and timetables for implementation;
- (3) a long-range financial plan and accounting system for the expenditure and reinvestment of money in the Correctional Industries Special Fund;
- (4) qualification, duties, and responsibilities for a statewide correctional industries manager; and
- (5) a clear delineation of the role of the private sector.

Your Committee heard testimony from the Department of Social Services and Housing (Department). Mr. Suga, Deputy Director of the Department, testified that the Department is in full support of the resolution and has already begun development of a master plan. Attached to his testimony was a "Prospectus for Correctional Industries" indicating the major purposes of: (1) guiding the expansion and improving the management of existing inmate work enterprises; and (2) identifying and developing new industries in Corrections. Mr. Suga also mentioned the need for a permanent Correctional Industries Manager and the ability to use special Correctional Industry funds for consultant planning services as well as operational expansion.

Your Committee finds that a correctional industries master plan is needed and that the Corrections Division has made a positive initial proposal and now needs to develop a more detailed plan. By developing these enterprises to their fullest, sentenced offenders have the opportunity for meaningful activity and work experience and can help recoup the high cost of maintaining corrections programs and facilities. Sound business planning and management will help to assure the success of such a major undertaking. The prison industries program must be revitalized, and a master plan is a necessary and important first step.

Your Committee has amended this resolution by inserting language in the "BE IT RESOLVED" clause to provide that the Corrections Division shall use existing resources to accomplish the development of a master plan. These resources may include the moneys available in the Prison Industries Special Fund established in Chapter 354, Hawaii Revised Statutes.

Your Committee hopes that the Corrections Division will soon acquire a permanent

Correctional Industries Manager and that this Manager will be able to accomplish the bulk of the work necessary to formulate the Master Plan.

Your Committee on Corrections and Rehabilitation 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.

SCRep. 1083 Corrections and Rehabilitation on H.C.R. No. 85

The purpose of this concurrent resolution as received is to request the Corrections Division of the Department of Social Services and Housing to develop and submit prior to the 1986 Session a correctional industries master plan including:

- (1) a listing of the enterprises which the State should focus its resources upon;
- (2) resource requirements and timetables for implementation;
- (3) a long-range financial plan and accounting system for the expenditure and reinvestment of money in the Correctional Industries Special Fund;
- (4) qualification, duties, and responsibilities for a statewide correctional industries manager; and
- (5) a clear delineation of the role of the private sector.

Your Committee heard testimony from the Department of Social Services and Housing (Department). Mr. Suga, Deputy Director of the Department, testified that the Department is in full support of the resolution and has already begun development of a master plan. Attached to his testimony was a "Prospectus for Correctional Industries" indicating the major purposes of: (1) guiding the expansion and improving the management of existing inmate work enterprises; and (2) identifying and developing new industries in Corrections. Mr. Suga also mentioned the need for a permanent Correctional Industries Manager and the ability to use special Correctional Industry funds for consultant planning services as well as operational expansion.

Your Committee finds that a correctional industries master plan is needed and that the Corrections Division has made a positive initial proposal and now needs to develop a more detailed plan. By developing these enterprises to their fullest, sentenced offenders have the opportunity for meaningful activity and work experience and can help recoup the high cost of maintaining corrections programs and facilities. Sound business planning and management will help to assure the success of such a major undertaking. The prison industries program must be revitalized, and a master plan is a necessary and important first step.

Your Committee has amended this concurrent resolution by inserting language in the "BE IT RESOLVED" clause to provide that the Corrections Division shall use existing resources to accomplish the development of a master plan. These resources may include the moneys available in the Prison Industries Special Fund established in Chapter 354, Hawaii Revised Statutes.

Your Committee hopes that the Corrections Division will soon acquire a permanent Correctional Industries Manager and that this Manager will be able to accomplish the bulk of the work necessary to formulate the Master Plan.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.C.R. No. 85, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 85, H.D. 1.

Signed by all members of the Committee.

SCRep. 1084 Water, Land Use, Development and Hawaiian Affairs and Public
Employment and Government Operations on H.R. No. 271

The purpose of this resolution is to request the State Fire Council, with the

assistance of the Department of Land and Natural Resources, to study the feasibility of purchasing an aerial tanker to suppress major fires in this State.

Your Committees received testimonies from the Department of Land and Natural Resources and the State Fire Council, in support of the resolution. In recent years wildland fires on all islands, primarily Maui, Molokai, and the Big Island of Hawaii, have taxed available firefighting resources in the State and the counties. Your Committees are in agreement that additional equipment and air support are needed to contain and extinguish these fires more expeditiously.

Your Committees concur with the intent of the resolution; however, your Committees are of the opinion that the language of the resolution should be streamlined and less restrictive. The proposed feasibility study of a fixed-wing aerial tanker restricts consideration of other available technologies in air-support firefighting. Therefore, your Committees have amended the resolution, not to alter its intent and purpose, but to expand it and to streamline its language.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Public Employment and Government Operations concur with the intent and purpose of H.R. No. 271, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 271, H.D. 1.

Signed by all members of the Committees except Representative Medeiros.

SCRep. 1085 Water, Land Use, Development and Hawaiian Affairs on H.R. No.
341

The purpose of this resolution is to request the House Committee on Water, Land Use, Development and Hawaiian Affairs to review the proposed State water code during the legislative interim of 1985.

Your Committee finds that the water issue is one of the highest priority areas confronting the State and county governments in the 1980s. Article XI, Section 7, of the Hawaii State Constitution obligates the State to protect, control, and regulate the use of Hawaii's water resources for the benefit of its people. Act 170, Session Laws of Hawaii 1982, established the Advisory Study Commission on Water Resources to provide for a comprehensive review of Hawaii's water resources and to formulate and submit a proposed State water code for enactment by the Legislature during the Regular Session of 1985.

Your Committee is in agreement that additional review of the proposed water code is desirable. In February 1985 the Ninth Circuit Court of Appeals rendered a decision in the case of Robinson v. Ariyoshi, relating to water rights in Hanapepe and, therefore, throughout the State. The legal decision may impact on the proposed water code and should be reviewed further by your Committee. Moreover, S.B. No. 564, S.D. 2, may have ramifications that affect particular sections of the proposed water code.

Minor, non-substantive changes have been made to the resolution to correct grammatical and stylistic errors.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 341, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 341, H.D. 1.

Signed by all members of the Committee.

SCRep. 1086 Education on H.R. No. 371

The purpose of this resolution is to request the Superintendent of Education to conduct a study on the clerical assistance needs for public school libraries.

Your Committee heard numerous testimony in support of this resolution. The testimony indicated that about 40 percent of professional school librarians' time is being spent on clerical tasks. Thus, direct services are not being fully provided.

Your Committee finds that there is a need for a study due to a lack of adequate clerical staffing in public school libraries.

Your Committee has amended this resolution by changing the request for study from the "Superintendent of Education" to the "Department of Education" as a more appropriate designation. Your Committee has also made technical, nonsubstantive amendments.

Your Committee on Education concurs with the intent and purpose of H.R. No. 371, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 371, H.D. 1.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1087 Housing on H.R. No. 383

The purpose of this resolution is to request the Executive Director of the State's Hawaii Housing Authority (HHA), in consultation with the Housing Directors of the respective county housing agencies, to examine the need for, and the requirements and structure of a Rural Housing Program for the State of Hawaii.

Your Committee finds that the people who live in rural areas constitute a special population by virtue of their geographic isolation, generally lower incomes, larger households, and lack of employment opportunities.

Your Committee further finds that the housing needs of the rural communities are not being adequately met by existing state and county programs. The State Housing Functional Plan specifically recognizes the need to encourage and assist in the development of housing for employees of large businesses and industries outside of the urban areas.

Your Committee has received testimony from the HHA in favor of this resolution. However, they have also stated in their testimony that substantial funding will be needed to conduct this study; funds which the HHA does not have available in its budget. It is the understanding of your Committee and the HHA, that the Council of Housing and Construction Industry does have unencumbered funds which may be earmarked for the rural housing study. Your Committee recommends that these funds be earmarked for the rural housing study in order that the study may be initiated.

Your Committee on Housing is in accord with the intent and purpose of H.R. No. 383 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1088 Housing on H.C.R. No. 130

The purpose of this concurrent resolution is to request the Executive Director of the State's Hawaii Housing Authority (HHA), in consultation with the Housing Directors of the respective county housing agencies, to examine the need for, and the requirements and structure of a Rural Housing Program for the State of Hawaii.

Your Committee finds that the people who live in rural areas constitute a special population by virtue of their geographic isolation, generally lower incomes, larger households, and lack of employment opportunities.

Your Committee further finds that the housing needs of the rural communities are not being adequately met by existing state and county programs. The State Housing Functional Plan specifically recognizes the need to encourage and assist in the development of housing for employees of large businesses and industries outside of the urban areas.

Your Committee has received testimony from the HHA in favor of this resolution. However, they have also stated in their testimony that substantial funding will be needed to conduct this study; funds which the HHA does not have available in its budget. It is the understanding of your Committee and the HHA, that the Council of Housing and Construction Industry does have unencumbered funds which may be earmarked for the rural housing study. Your Committee recommends that these funds be earmarked for the rural housing study in order that the study may be initiated.

Your Committee on Housing is in accord with the intent and purpose of H.C.R. No. 130 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1089 Water, Land Use, Development and Hawaiian Affairs and Higher Education and the Arts on H.R. No. 317

The purpose of this resolution is to request the University of Hawaii to study the High Technology Development Corporation's recommendations to develop a high technology park on the University of Hawaii at Hilo campus and to develop a 220-acre parcel of land located near the Hilo campus for consolidated astronomy ground support facilities.

Your Committees received testimonies from the University of Hawaii, the High Technology Development Corporation, and the Hawaii Island Economic Development Board, all in support of this resolution.

The Legislature last year adopted H.R. No. 364 and H.C.R. No. 138, requesting the High Technology Development Corporation to recommend sites throughout the State with potential for high technology park development. In January 1985 the Corporation's "Statewide Strategy for High Technology Growth" identified astronomy as one of Hawaii's most important high technology activities and recommended a high technology park development as proposed in this resolution. Your Committees are in agreement that the park and astronomy ground support facilities would enhance Hawaii's status as an attractive location in high technology and would create economic development opportunities for Hawaii's people.

Moreover, your Committees are of the opinion that efforts to consolidate astronomy ground support facilities, as proposed in this resolution, do not preclude future efforts in the public and private sectors to opt for alternate sites on the Big Island of Hawaii in developing additional astronomy ground support facilities and their related activities. The University of Hawaii at Hilo campus should be viewed as a first stage in synergistic growth and development.

Minor, non-substantive changes have been made to correct grammatical and stylistic errors.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Higher Education and the Arts concur with the intent and purpose of H.R. No. 317, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 317, H.D. 1.

Signed by all members of the Committees except Representatives Crozier, Metcalf, Morgado, Nakasato, Tajiri, Tam, Yoshimura, Hemmings, Isbell and Kamali'i.

SCRep. 1090 Water, Land Use, Development and Hawaiian Affairs and Agriculture on H.R. No. 411

The purpose of this resolution is to request:

(1) The Land Evaluation and Site Assessment Commission to present a review of its past and proposed activities in the furtherance of its responsibilities, to the House Committees on Water, Land Use, Development and Hawaiian Affairs and on Agriculture, during the interim following the Regular Session of 1985; and

(2) The four counties to present a review of their findings and concerns with respect to the Commission's plans and proposals, to the House Committees on Water, Land Use, Development and Hawaiian Affairs and on Agriculture, during the same interim; and

(3) The two House Committees hold public hearings to receive and review these reports submitted by the Commission and the four counties, during the same interim.

According to testimonies from the Land Evaluation and Site Assessment (LESA) Commission and from the Hawaii State Association of Counties, legislative review and input of the Commission's past and proposed activities is vital and necessary

before a land classification system and process is approved by the Legislature. Your Committees are in agreement that the interim following the Regular Session of 1985 would be an appropriate time for this review and input. In the Commission's progress report of the proposed LESA system, dated March 1985, the inventory of "important agricultural lands" is provisional and needs to be tested and evaluated by the four counties. Moreover, the report states that the proposed criteria for identifying "important agricultural lands" need further testing and verification.

Your Committees recommend a minor change in the fourth "WHEREAS" clause, to replace "February" by "April".

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture concur with the intent and purpose of H.R. No. 411, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 411, H.D. 1.

Signed by all members of the Committees except Representatives Crozier, Metcalf, Tajiri, Tam, Isbell and Kamali'i.

SCRep. 1091 Transportation on H.R. No. 298

The purpose of this resolution is to request the Director of Transportation to investigate problems relating to the use of Hanalei Bay, and to develop a management plan to ensure the orderly use of the bay.

Your Committee received testimony from the State Department of Transportation that it is presently investigating problems relating to the use of all of the north shore of Kauai, including Hanalei Bay, and is planning to adopt rules relating to the use of shorewaters and beaches there. Your Committee believes that it is in the best interest of the users of the shorewaters and beaches of the north shore of Kauai that such an investigation and plan encompass the entire north shore of the island rather than be narrowly focused on Hanalei Bay.

Your Committee has therefore made the following amendments to this resolution:

1. The title of this resolution has been amended to read as follows: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO INVESTIGATE THE PROBLEMS RELATING TO THE USE OF SHOREWATERS AND BEACHES OF THE NORTH SHORE OF KAUAI AND TO DEVELOP A MANAGEMENT PLAN TO ENSURE THE ORDERLY DEVELOPMENT THEREOF";

2. The second and third "whereas" clause and the "be it resolved" clause have been amended to replace references to Hanalei Bay with references to the north shore of Kauai and to replace references to "the bay" with references to "Hanalei Bay"; and

3. The sixth "whereas" clause has been amended by inserting "of" in place of "for" where it first appears therein, by adding "and the rest of the north shore of Kauai:" following "Hanalei Bay", and replacing "this bay" with the shorewaters and beaches of this area".

Your Committee on Transportation is in accord with the intent and purpose of H.R. No. 298, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 298, H.D. 1.

Signed by all members of the Committee.

SCRep. 1092 Consumer Protection and Commerce on H.R. No. 183

The purpose of this resolution is to conduct an investigation to determine:

(1) The impact of projected higher residential rates on persons of limited economic means; and

(2) Whether a need exists to implement special programs to provide for the minimum communication needs of those residents, including access to telephone service for emergency communications with public agencies and private medical services and for maintaining necessary social contacts.

Your Committee received testimony from the Division of Consumer Advocacy, the Department of Commerce and Consumer Affairs, the Executive Office On Aging, Hawaiian Telephone Company and the Kokua Council for Senior Citizens in support of the bill. The Executive Office On Aging testified that in its Statewide Needs Assessment Report of Individuals Age 60 and Over (May 1983), it was reported that 98.8% of the elderly had telephones. Further, a survey had shown that among the same age group, telephone usage had increased from 85% (1974) to 91% (1983).

The Executive Office On Aging further testified that as telephone charges continue to increase, an even larger portion of the low income elderly's discretionary income is allocated to pay for basic telephone services. Accordingly, at some point basic telephone service will become too expensive for a segment of the elderly population. Therefore, the effect of isolating even a small segment of the elderly from telephone access to relatives, friends and emergency medical services could produce detrimental consequences.

Your Committee finds that there is a segment of the population that is unable to afford higher residential telephone service rates. Your Committee further finds, however, that this is an issue that does not only concern the Public Utilities Commission. Accordingly, a study to provide for such a segment of the population must be a concerted effort involving both public agencies and the private sector.

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

1. In the second "BE IT FURTHER RESOLVED" paragraph:

(a) Along with the Public Utilities Commission, the following agencies will participate in the report: "Executive Office On Aging, Department of Social Services and Housing, Department of Health, Division of Consumer Advocacy, Department of Commerce and Consumer Affairs and Hawaiian Telephone Company; and

(b) The reporting date has been amended to twenty days before the convening of the Regular Session of 1987.

2. In the last paragraph, certified copies are to be directed to the additional agencies participating in the report.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 183, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 183, H.D. 1.

Signed by all members of the Committee.

SCRep. 1093 Consumer Protection and Commerce on H.R. No. 220

The purpose of this resolution is to request that the Legislative Auditor conduct a program and budget review limited to the following matters regarding the operations and management of Thrift Guaranty Corporation of Hawaii.

(1) To the extent permissible by law and if the same will not subject the State to liability, the names of and amounts paid to thrift account holders by Thrift Guaranty Corporation;

(2) How Thrift Guaranty Corporation determined which depositors were to be paid and how much they were to be paid;

(3) The names, hourly fee rates, total amount of fees paid (by matter and activity), dates of service, and brief description of services of all attorneys who have been hired and paid by Thrift Guaranty Corporation; and

(4) The interest rate on the general obligation bonds which were sold by the State to raise money for loans to the Thrift Guaranty Corporation.

Your Committee believes that since the enactment of the Industrial Loan Company Act, Thrift Guaranty Corporation has attempted to provide adequate protective measures that were needed and which prevented millions of additional losses in thrift deposits. However, nearly two years after the State of Hawaii placed Manoa

Finance Company and Great Hawaiian Financial Corporation into receivership, depositors are still unsure when they will recover their money or how much they will receive. There is also serious question as to whether Thrift Guaranty Corporation will be able to repay its outstanding loan of approximately \$27 million to the State.

The Department of Commerce and Consumer Affairs and the Thrift Guaranty Corporation of Hawaii testified in support of this resolution. Initially, in their written testimony, the Thrift Guaranty Corporation questioned the authority of the State Legislative Auditor to perform the examination under Chapter 23, Hawaii Revised Statutes, since it is not a state "agency or instrumentality". Thrift Guaranty also objected to the request that they provide a list of all thrift account holders who have thus far received payment on the ground that compilation of the list would involve a costly and time consuming process. These objections have been resolved and Thrift Guaranty Corporation has agreed to cooperate with all of the requests of this resolution.

Your Committee has amended the first paragraph of the the resolution by inserting the phrase, "a quasi-governmental agency", after the word "Corporation", in order to clarify the State's definition of the Thrift Guaranty Corporation.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 220, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 220, H.D. 1.

Signed by all members of the Committee.

SCRep. 1094 Consumer Protection and Commerce on H.C.R. No. 67

The purpose of this concurrent resolution is to request that the Legislative Auditor conduct a program and budget review limited to the following matters regarding the operations and management of Thrift Guaranty Corporation of Hawaii.

(1) To the extent permissible by law and if the same will not subject the State to liability, the names of and amounts paid to thrift account holders by Thrift Guaranty Corporation;

(2) How Thrift Guaranty Corporation determined which depositors were to be paid and how much they were to be paid;

(3) The names, hourly fee rates, total amount of fees paid (by matter and activity), dates of service, and brief description of services of all attorneys who have been hired and paid by Thrift Guaranty Corporation; and

(4) The interest rate on the general obligation bonds which were sold by the State to raise money for loans to the Thrift Guaranty Corporation.

Your Committee believes that since the enactment of the Industrial Loan Company Act, Thrift Guaranty Corporation has attempted to provide adequate protective measures that were needed and which prevented millions of additional losses in thrift deposits. However, nearly two years after the State of Hawaii placed Manoa Finance Company and Great Hawaiian Financial Corporation into receivership, depositors are still unsure when they will recover their money or how much they will receive. There is also serious question as to whether Thrift Guaranty Corporation will be able to repay its outstanding loan of approximately \$27 million to the State.

The Department of Commerce and Consumer Affairs and the Thrift Guaranty Corporation of Hawaii testified in support of this resolution. Initially, in their written testimony, the Thrift Guaranty Corporation questioned the authority of the State Legislative Auditor to perform the examination under Chapter 23, Hawaii Revised Statutes, since it is not a state "agency or instrumentality". Thrift Guaranty also objected to the request that they provide a list of all thrift account holders who have thus far received payment on the ground that compilation of the list would involve a costly and time consuming process. These objections have been resolved and Thrift Guaranty Corporation has agreed to cooperate with all of the requests of this resolution.

Your Committee has amended the first paragraph of the the concurrent resolution by inserting the phrase, "a quasi-governmental agency", after the work "Corporation", in order to clarify the State's definition of the Thrift Guaranty Corporation.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 67, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 67, H.D. 1.

Signed by all members of the Committee.

SCRep. 1095 Corrections and Rehabilitation and Public Employment and
Government Operations on H.R. No. 123

The purpose of this resolution is to request the Conference of Personnel Directors to review and recommend to the Public Employees Compensation Appeals Board the repricing of the adult corrections officer series to upgrade the compensation of the officers.

The Department of Social Services and Housing (DSSH) testified in support of this resolution. A representative of DSSH stated that although the duties of the correctional officers are more complex, more stressful, and more hazardous than State Capitol Security Guards, State Harbor Security Guards, and Deputy Sheriffs, they start at considerably lower salary levels. DSSH testified in favor of raising correctional officer salaries.

The DSSH also testified that youth correctional officers (YCO's) have a lower salary schedule than adult correctional officers (ACO's) although they work with a population that can be more assaultive than adults, are higher escape risks, and commonly have prior records in excess of six felony adjudications. The DSSH testified in favor of raising YCO salaries so that they are on the same level as adult correctional officer (ACO) salaries.

The Department of Personnel Services testified that State law provides for a process by which wages of public employees are determined, and that passage of this resolution as drafted would set a precedent in determining wages of public employees by legislative resolution rather than the procedure outlined by law.

Your Committees find that an increase in the salaries of correctional officers may attract more highly qualified applicants for those positions, which would ultimately result in a higher quality of personnel who are chosen. Your Committees believe that there is a need to be concerned about recruiting and retaining quality correctional officers, especially since the Oahu Community Correctional Facility is presently under investigation by the United States Department of Justice, which has recommended an improvement in the quality of the guards.

However, your Committees are in agreement that the State law providing for the process of determining wages of public employees should not be circumvented. Nevertheless, your Committees are also in agreement that the correctional officer series needs to be carefully reevaluated to determine the feasibility of pricing them at a higher level. Furthermore, your Committees agree that the YCO salary scale should also be reevaluated along with the ACO salary scale.

Accordingly, your Committees made the following amendments:

(1) Amended the title of the resolution as well as the BE IT RESOLVED clause. Your Committees deleted the request that the Conference of Personnel Directors grant a request for the repricing of the adult corrections officer series. Instead, your Committees requested the Conference of Personnel directors to review and consider the feasibility of pricing the correctional officer series at a higher level and to consider its effect on improving the quality of correctional officers.

(2) Amended the resolution to expand its scope to include YCO's. References to "Adult corrections officers" are replaced with the phrase "correctional officers". The term "inmates" is replaced with "adult inmates" for clarification. And references to "juvenile detainees" are made wherever references to adult inmates are made.

(3) Amended the resolution to recognize the recommendation of the Department of Justice to improve the quality of guards at the Oahu Community Correctional

Facility. Your Committees also amended the resolution to include the reasoning that an increase in salaries may result in an improvement in the quality of applicants for these positions, and ultimately an improvement in the quality of personnel chosen.

(4) Amended the resolution to have the Director of Personnel Services report to the Legislature on the reasons for the action to be taken by the Conference of Personnel Directors on the proposal to price the correctional officer series at a higher level.

(5) Amended the resolution to transmit a certified copy of the resolution to the Director of Personnel Services.

Your Committees on Corrections and Rehabilitation and Public Employment and Government Operations concur with the intent and purpose of H.R. No. 123, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 123, H.D. 1.

Signed by all members of the Committees except Representative Apo.

SCRep. 1096 Corrections and Rehabilitation and Public Employment and
Government Operations on H.C.R. No. 24

The purpose of this concurrent resolution is to request the Conference of Personnel Directors to review and recommend to the Public Employees Compensation Appeals Board the repricing of the adult corrections officer series to upgrade the compensation of the officers.

The Department of Social Services and Housing (DSSH) testified in support of this concurrent resolution. A representative of DSSH stated that although the duties of the correctional officers are more complex, more stressful, and more hazardous than State Capitol Security Guards, State Harbor Security Guards, and Deputy Sheriffs, they start at considerably lower salary levels. DSSH testified in favor of raising correctional officer salaries.

The DSSH also testified that youth correctional officers (YCO's) have a lower salary schedule than adult correctional officers (ACO's) although they work with a population that can be more assaultive than adults, are higher escape risks, and commonly have prior records in excess of six felony adjudications. The DSSH testified in favor of raising YCO salaries so that they are on the same level as adult correctional officer (ACO) salaries.

The Department of Personnel Services testified that State law provides for a process by which wages of public employees are determined, and that passage of this resolution as drafted would set a precedent in determining wages of public employees by legislative resolution rather than the procedure outlined by law.

Your Committees find that an increase in the salaries of correctional officers may attract more highly qualified applicants for those positions, which would ultimately result in a higher quality of personnel who are chosen. Your Committees believe that there is a need to be concerned about recruiting and retaining quality correctional officers, especially since the Oahu Community Correctional Facility is presently under investigation by the United States Department of Justice, which has recommended an improvement in the quality of the guards.

However, your Committees are in agreement that the State law providing for the process of determining wages of public employees should not be circumvented. Nevertheless, your Committees are also in agreement that the correctional officer series needs to be carefully reevaluated to determine the feasibility of pricing them at a higher level. Furthermore, your Committees agree that the YCO salary scale should also be reevaluated along with the ACO salary scale.

Accordingly, your Committees made the following amendments:

(1) Amended the title of the concurrent resolution as well as the BE IT RESOLVED clause. Your Committees deleted the request that the Conference of Personnel Directors grant a request for the repricing of the adult corrections officer series. Instead, your Committees requested the Conference of Personnel directors to review and consider the feasibility of pricing the correctional officer series at a higher level and to consider its effect on improving the quality of

correctional officers.

(2) Amended the concurrent resolution to expand its scope to include YCO's. References to "Adult corrections officers" are replaced with the phrase "correctional officers". The term "inmates" is replaced with "adult inmates" for clarification. And references to "juvenile detainees" are made wherever references to adult inmates are made.

(3) Amended the concurrent resolution to recognize the recommendation of the Department of Justice to improve the quality of guards at the Oahu Community Correctional Facility. Your Committees also amended the concurrent resolution to include the reasoning that an increase in salaries may result in an improvement in the quality of applicants for these positions, and ultimately an improvement in the quality of personnel chosen.

(4) Amended the concurrent resolution to have the Director of Personnel Services report to the Legislature on the reasons for the action to be taken by the Conference of Personnel Directors on the proposal to price the correctional officer series at a higher level.

(5) Amended the concurrent resolution to transmit a certified copy of the resolution to the Director of Personnel Services.

Your Committees on Corrections and Rehabilitation and Public Employment and Government Operations concur with the intent and purpose of H.C.R. No. 24, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 24, H.D. 1.

Signed by all members of the Committees except Representative Apo.

SCRep. 1097 Corrections and Rehabilitation and Health on H.R. No. 255

The purpose of this resolution is to request the Corrections Division of the Department of Social Services and Housing (DSSH) to develop alternative plans for the confinement and treatment of mentally disordered inmates.

Your Committees received testimonies from the Department of Social Services and Housing (DSSH), the Department of Health (DOH), and several concerned individuals in support of this resolution.

The DSSH testified that under present law people cannot be involuntarily committed for treatment to the State Hospital unless they are found to be dangerous to themselves or others. As a result, a growing number of persons with mental health problems are arrested for trespassing, vagrancy, or other misdemeanors, directed into the correctional system, and mixed with the general prison population. These people need primary psychiatric care, and State correctional facilities currently do not have adequate resources to provide such services.

The DOH testified that one of its psychologists reviews on a daily basis the case files of individuals arrested on misdemeanor charges in the prior twenty-four hours to determine which persons, if any, should be sent to the Hawaii State Hospital for a mental examination. As a result, several patients per week are diverted from correctional programs. However, given space limitations and the limited resources of the hospital, extended stays are difficult, and many individuals have to be confined at the community correctional center. Currently over 65 percent of Hawaii State Hospital patients are those who have been diverted from the penal process.

Furthermore, DSSH testified that there is another group of inmates at the Oahu Community Correctional Center who are also seriously in need of psychiatric services. This group is composed of about 100 sentenced felons who should be separated from the general prison population. Currently, 48 of these inmates are housed by themselves in a separate module, but approximately 50 of these inmates are mixed with the general prison population.

The DOH testified that mixing inmates having mental health problems with the general prison population is a major concern since these inmates are prone to be the objects of violent acts committed by other prisoners. Public testimony indicated that when mixing occurs an inmate with mental health problems may regress considerably, so that incarceration for a relatively short period may nullify a

previous extended period of treatment and progress. The DOH also indicated that criteria need to be developed to identify those inmates who need to be separated from the general prison population.

Testimony differed on the question of whether those inmates with mental health problems who require separation from the general prison population should be treated at correctional facilities or in separate facilities such as the State Hospital. DSSH testified that it did not have the resources for treatment within correctional facilities, and supported treatment outside correctional facilities. On the other hand, DOH testified in favor of treatment within correctional facilities, citing the ease of transferring inmates in and out of separate housing facilities.

The DSSH testified that an estimated \$150,000 is needed for the planning and development of a new program to address the needs of inmates with mental health problems. Your Committees find that, at this early stage, detailed planning is not appropriate, but that general directions for such a program first need to be considered, and coordination between the Corrections Division of DSSH and DOH needs to be developed. Your Committees feel that these objectives can be accomplished by the Departments without considerable costs.

Accordingly, your Committees made the following amendments:

(1) amended the title of the resolution as well as the BE IT RESOLVED clause to delete the development of alternative plans, and instead to request the Corrections Division of DSSH, in consultation with DOH, to recommend proposals to improve programs and services to mentally disordered inmates. This is in lieu of the original language requesting the development of alternative plans, which would be more detailed and costly.

(2) amended the resolution to clarify that there are two types of inmates with mental health problems:

(a) pre-trial detainees and misdemeanants who should be referred to psychiatric institutions and who may be best served by removal from the correctional facility; and

(b) sentenced felons who may require separation from the general prison population.

(3) amended the resolution to acknowledge that some mentally disordered inmates and detainees are already separated from the general prison population at the Oahu Community Correctional Center, but that the available space is inadequate to segregate all who should be separated.

(4) amended the resolution to acknowledge that inmates requiring separation might be accommodated at the planned new State Hospital, and alternatively, at the planned Halawa Medium Security Correctional Facility.

(5) amended the resolution to request the development of criteria to identify those mentally disordered inmates and detainees who need to be separated from the general prison population, and to request estimates of these numbers in men's and women's correctional facilities as well as juvenile detention facilities.

(6) amended the resolution to request that the study consider the treatment of mentally disordered inmates and detainees at the planned new Hawaii State Hospital, and alternatively, at the planned Halawa Medium Security Correctional Facility.

(7) amended the resolution to modify the order of the enumerated items of the requested study for purposes of clarity, and also renumbered them.

(8) amended the resolution to clarify that in performing the study, the Corrections Division of DSSH in consultation with DOH is to consider programs in other states and report to the Legislature on its findings and recommendations.

Your Committees made minor non-substantive amendments to the resolution for the purpose of style.

Your Committees on Corrections and Rehabilitation and Health concur with the intent and purpose of H.R. No. 255, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 255, H.D. 1.

Signed by all members of the Committees.

SCRep. 1098 Corrections and Rehabilitation and Health on H.C.R. No. 83

The purpose of this concurrent resolution is to request the Corrections Division of the Department of Social Services and Housing (DSSH) to develop alternative plans for the confinement and treatment of mentally disordered inmates.

Your Committees received testimonies from the Department of Social Services and Housing (DSSH), the Department of Health (DOH), and several concerned individuals in support of this concurrent resolution.

The DSSH testified that under present law people cannot be involuntarily committed for treatment to the State Hospital unless they are found to be dangerous to themselves or others. As a result, a growing number of persons with mental health problems are arrested for trespassing, vagrancy, or other misdemeanors, directed into the correctional system, and mixed with the general prison population. These people need primary psychiatric care, and State correctional facilities currently do not have adequate resources to provide such services.

The DOH testified that one of its psychologists reviews on a daily basis the case files of individuals arrested on misdemeanor charges in the prior twenty-four hours to determine which persons, if any, should be sent to the Hawaii State Hospital for a mental examination. As a result, several patients per week are diverted from correctional programs. However, given space limitations and the limited resources of the hospital, extended stays are difficult, and many individuals have to be confined at the community correctional center. Currently over 65 percent of Hawaii State Hospital patients are those who have been diverted from the penal process.

Furthermore, DSSH testified that there is another group of inmates at the Oahu Community Correctional Center who are also seriously in need of psychiatric services. This group is composed of about 100 sentenced felons who should be separated from the general prison population. Currently, 48 of these inmates are housed by themselves in a separate module, but approximately 50 of these inmates are mixed with the general prison population.

The DOH testified that mixing inmates having mental health problems with the general prison population is a major concern since these inmates are prone to be the objects of violent acts committed by other prisoners. Public testimony indicated that when mixing occurs an inmate with mental health problems may regress considerably, so that incarceration for a relatively short period may nullify a previous extended period of treatment and progress. The DOH also indicated that criteria need to be developed to identify those inmates who need to be separated from the general prison population.

Testimony differed on the question of whether those inmates with mental health problems who require separation from the general prison population should be treated at correctional facilities or in separate facilities such as the State Hospital. DSSH testified that it did not have the resources for treatment within correctional facilities, and supported treatment outside correctional facilities. On the other hand, DOH testified in favor of treatment within correctional facilities, citing the ease of transferring inmates in and out of separate housing facilities.

The DSSH testified that an estimated \$150,000 is needed for the planning and development of a new program to address the needs of inmates with mental health problems. Your Committees find that, at this early stage, detailed planning is not appropriate, but that general directions for such a program first need to be considered, and coordination between the Corrections Division of DSSH and DOH needs to be developed. Your Committees feel that these objectives can be accomplished by the Departments without considerable costs.

Accordingly, your Committees made the following amendments:

(1) amended the title of the concurrent resolution as well as the BE IT RESOLVED clause to delete the development of alternative plans, and instead to request the Corrections Division of DSSH, in consultation with DOH, to recommend proposals to improve programs and services to mentally disordered inmates. This is in lieu of the original language requesting the development of alternative plans, which would be more detailed and costly.

(2) amended the concurrent resolution to clarify that there are two types of inmates with mental health problems:

(a) pre-trial detainees and misdemeanants who should be referred to psychiatric institutions and who may be best served by removal from the correctional facility; and

(b) sentenced felons who may require separation from the general prison population.

(3) amended the concurrent resolution to acknowledge that some mentally disordered inmates and detainees are already separated from the general prison population at the Oahu Community Correctional Center, but that the available space is inadequate to segregate all who should be separated.

(4) amended the concurrent resolution to acknowledge that inmates requiring separation might be accommodated at the planned new State Hospital, and alternatively, at the planned Halawa Medium Security Correctional Facility.

(5) amended the concurrent resolution to request the development of criteria to identify those mentally disordered inmates and detainees who need to be separated from the general prison population, and to request estimates of these numbers in men's and women's correctional facilities as well as juvenile detention facilities.

(6) amended the concurrent resolution to request that the study consider the treatment of mentally disordered inmates and detainees at the planned new Hawaii State Hospital, and alternatively, at the planned Halawa Medium Security Correctional Facility.

(7) amended the concurrent resolution to modify the order of the enumerated items of the requested study for purposes of clarity, and also renumbered them.

(8) amended the concurrent resolution to clarify that in performing the study, the Corrections Division of DSSH in consultation with DOH is to consider programs in other states and report to the Legislature on its findings and recommendations.

Your Committees made minor non-substantive amendments to the concurrent resolution for the purpose of style.

Your Committees on Corrections and Rehabilitation and Health concur with the intent and purpose of H.C.R. No. 83, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 83, H.D. 1.

Signed by all members of the Committees.

SCRep. 1099 Housing on H.R. No. 210

The purpose of this resolution is to encourage the HHA and HHL to continue utilizing the HOW insurance program where practical.

Your Committee finds that during the first year of HOW's protection plan, a new home is warranted against faulty workmanship and materials; defects in appliances, fixtures and equipment; defects in wiring, piping and ductwork in the electrical, plumbing, heating, cooling, ventilating and mechanical systems; and major structural defects. During the second year, a home is warranted against defects in the electrical, plumbing, heating, cooling, ventilating and mechanical systems; and major structural defects. From the beginning of the third year until the end of the tenth year, a home is insured against major structural defects only.

Your Committee further finds that HOW-insured homes will provide the buyers of these homes with the added assurance as to the quality of the home.

Your Committee has received testimony from the HHA, HHL and the Building Industry Association of Hawaii in support of this resolution.

Your Committee on Housing is in accord with the intent and purpose of H.R. No. 210 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1100 Water, Land use, Development and Hawaiian Affairs and
Employment Opportunities and Labor Relations on H.R. No. 235
(Majority)

The purpose of this resolution is to urge the Secretary of the U.S. Navy to homeport the U.S.S. Missouri and its associated ships at Pearl Harbor.

Your Committees find that the armed forces comprise Hawaii's second largest industry, contributing military expenditures which exceeded \$2.3 billion in 1983 and employing over 134,000 persons, about one-third of Hawaii's work force. In July 1984 the U.S. Navy identified Pearl Harbor as a potential location for the homeporting of a battleship and its associated ships. Your Committees are of the opinion that State efforts should be made to enhance this opportunity and, therefore, are in agreement with the intent of the resolution.

Your Committees, however, concur that the needs of Hawaii's people must not be neglected. Legislative support of Hawaii's second largest industry must therefore be matched by that of the enrichment of the quality of life of Hawaii's people by resolving their basic needs.

Your Committees recommend the following amendments:

(1) Title and all references in the text: To change all references to the U.S.S. Missouri or its battleship group to "battleship and nine associated ships". The U.S. Navy has not named the U.S.S. Missouri, in particular, to any potential location for homeporting.

(2) Page 1, fourth "WHEREAS" clause: To identify correctly the battleship group as one battleship, four frigates, three destroyers, and two cruisers.

(3) Page 1, seventh and eighth "WHEREAS" clauses: To set these clauses as the first and second "WHEREAS" clauses of the resolution. They are more appropriate as introductory clauses.

(4) Page 2, fourth and fifth "WHEREAS" clauses: To delete specific reference to the number of potential family housing units required by the proposed homeporting at Pearl Harbor, and to combine these two clauses as one. No accurate number has yet been specified.

(5) Page 2, sixth "WHEREAS" clause: To identify correctly the Hawaii Economic Development Project - Homeport Task Force as distinct from the Homeport Hawaii Task Force.

(6) To add a "BE IT FURTHER RESOLVED" clause, as follows:

"BE IT FURTHER RESOLVED that the State of Hawaii work closely with the Hawaii Economic Development Project - Homeport Task Force to provide, as a general target, at least a one-to-one ratio corresponding to the number of housing units for local needs versus the number of housing units for U.S. Navy needs for public housing".

This addition will provide a necessary criterion for the State in consideration of providing housing for Hawaii's people as well as military personnel.

(7) To make minor, non-substantive changes to correct grammatical and stylistic errors.

Your Committees on Water, Land Use, Development and Employment Opportunities and Labor Relations concur with the intent and purpose of H.R. No. 235, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 235, H.D. 1.

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

SCRep. 1101 Water, Land Use, Development and Hawaiian Affairs and
Employment Opportunities and Labor Relations on H.C.R. No. 78
(Majority)

The purpose of this concurrent resolution is to urge the Secretary of the U.S.

Navy to homeport the U.S.S. Missouri and its associated ships at Pearl Harbor.

Your Committees find that the armed forces comprise Hawaii's second largest industry, contributing military expenditures which exceeded \$2.3 billion in 1983 and employing over 134,000 persons, about one-third of Hawaii's work force. In July 1984 the U.S. Navy identified Pearl Harbor as a potential location for the homeporting of a battleship and its associated ships. Your Committees are of the opinion that State efforts should be made to enhance this opportunity and, therefore, are in agreement with the intent of the concurrent resolution.

Your Committees, however, concur that the needs of Hawaii's people must not be neglected. Legislative support of Hawaii's second largest industry must therefore be matched by that of the enrichment of the quality of life of Hawaii's people by resolving their basic needs.

Your Committees recommend the following amendments:

(1) Title and all references in the text: To change all references to the U.S.S. Missouri or its battleship group to "battleship and nine associated ships". The U.S. Navy has not named the U.S.S. Missouri, in particular, to any potential location for homeporting.

(2) Page 1, fourth "WHEREAS" clause: To identify correctly the battleship group as one battleship, four frigates, three destroyers, and two cruisers.

(3) Page 1, seventh and eighth "WHEREAS" clauses: To set these clauses as the first and second "WHEREAS" clauses of the concurrent resolution. They are more appropriate as introductory clauses.

(4) Page 2, fourth and fifth "WHEREAS" clauses: To delete specific reference to the number of potential family housing units required by the proposed homeporting at Pearl Harbor, and to combine these two clauses as one. No accurate number has yet been specified.

(5) Page 2, sixth "WHEREAS" clause: To identify correctly the Hawaii Economic Development Project - Homeport Task Force as distinct from the Homeport Hawaii Task Force.

(6) To add a "BE IT FURTHER RESOLVED" clause, as follows:

"BE IT FURTHER RESOLVED that the State of Hawaii work closely with the Hawaii Economic Development Project - Homeport Task Force to provide, as a general target, at least a one-to-one ratio corresponding to the number of housing units for local needs versus the number of housing units for U.S. Navy needs for public housing".

This addition will provide a necessary criterion for the State in consideration of providing housing for Hawaii's people as well as military personnel.

(7) To make minor, non-substantive changes to correct grammatical and stylistic errors.

Your Committees on Water, Land Use, Development and Employment Opportunities and Labor Relations concur with the intent and purpose of H.C.R. No. 78, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 78, H.D. 1.

Signed by all members of the Committees except Representative Yoshimura.
(Representative Nakata did not concur.)

SCRep. 1102 Water, Land Use, Development and Hawaiian Affairs on H.R. No.
44

The purpose of this resolution is to express legislative support of innovative efforts by the Department of Land and Natural Resources and the county boards of water supply to develop additional and sufficient sources of fresh water for agricultural, residential, resort, commercial, recreational, and industrial uses.

Your Committee received testimonies from the Department of Land and Natural

Resources and the Board of Water Supply, City and County of Honolulu, in support of the resolution. In recent years the State and counties have launched innovative programs in alternative water supply development. These programs include not only de-salting techniques but also effluent recycling, stream water trapping, and brackish water blending. Your Committee is in agreement that these efforts, plus more, should be continued.

Minor, non-substantive changes have been made to correct grammatical and stylistic errors.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 44, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 44, H.D. 1.

Signed by all members of the Committee.

SCRep. 1103 Finance on H.C.R. No. 72

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study of the services for schizophrenics provided by the Mental Health Division of the Department of Health.

Your Committee finds that there are significant unmet needs of schizophrenics such as, for example, health centers in catchment areas being operated to provide on-the-spot intervention in times of crisis which arise during center off hours; health personnel and providers being required to keep up with the latest scientific knowledge concerning schizophrenia; and programs being established to provide constructive daytime activities to schizophrenics. The organization further stated its belief that schizophrenia would be taken out of the closet and treated like the disease it is if the study is conducted.

The director of the Department of Health presented testimony indicating that state services for individuals suffering from schizophrenia are part of the range of services available for the prevention and treatment of all mental and emotional disorders and substance abuse. Within the limits of available funds, the department feels that it is providing acceptable services which are delivered by appropriately trained staff, and that these services are being developed further as fiscal resources permit, and as the knowledge base expands.

Your Committee finds that schizophrenia is a terrible disease which greatly inhibits the sufferer's capacity to function normally and imposes harsh financial and emotional burdens on family and friends of such sufferers. Your Committee, thus, believes that a study would be useful in identifying and prioritizing additional needed services which could assist in alleviating some of the problems faced by the sufferers of schizophrenia and their families and friends.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 72 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1104 Finance on H.C.R. No. 66

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a financial and management audit of the Department of Education.

Your Committee finds that there has been a growing concern expressed by the Governor and the Legislature that the Department of Education has become administratively top-heavy and is long overdue for administrative review.

Your Committee finds that the last management audit of the Department was conducted in 1973 pursuant to a legislative directive. That audit found deficiencies in management.

Your Committee received testimony from the Department of Education in support of this concurrent resolution with the view that a financial and management examination by an independent agency will help the Department focus on needed changes.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 66, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1105 Finance on H.C.R. No. 57

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a comprehensive review of the Public Employees' Retirement System, and to submit findings and recommendations prior to the convening of the Regular Session of 1986.

Representatives from the Employees' Retirement System favorably recommended that such a study be undertaken by the Legislative Auditor. The Secretary of the Employees' Retirement System further testified that a comprehensive review of the System has never been conducted since its establishment in 1926.

Your Committee finds that such a review is necessary to insure that the Employees' Retirement System is meeting the needs of the public employees of the State and counties, and that the State is operating and managing the System in the most responsible manner to ensure the funding of current and future obligations.

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. 1106 Finance on H.C.R. No. 43

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study in the public secondary schools to identify problems in counseling services, possible solutions, recommendations, plans for correction, and timetable for implementation of corrections.

Your Committee finds that counselors can bring about improvements and changes in the school environment and in the community. Currently, counselors are faced with such problems as frequent interruptions, extensive paperwork, and a high student-counselor ratio, all of which may impede counseling services.

Your Committee heard testimony in support of this concurrent resolution and concurs with the intent of this resolution that an objective and independent study is necessary to assist the Department in identifying problems in their counseling services.

Your Committee has amended this concurrent resolution by requesting that the study called for also be conducted in the public elementary schools. The specific amendments are as follows:

1. The title of the resolution has been amended to read:

"REQUESTING A REPORT ON COUNSELING SERVICES IN THE PUBLIC SCHOOLS".

2. An additional "WHEREAS" paragraph has been added after the final WHEREAS paragraph. The additional "WHEREAS" paragraph reads:

"WHEREAS, the public elementary school population includes students with wide range of counseling needs that are unlike those of secondary students; now, therefore,

3. The first "BE IT RESOLVED" paragraph has been amended to read:

"BE IT RESOLVED by the House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1985, the Senate concurring, that the legislature requests the Legislative Reference Bureau to conduct a study of the total counseling program, possible solutions to problems, recommendations plans for correction, and timetable for implementation of corrections, such study to include, but not be limited to, the following:"

Your Committee has also made technical nonsubstantive amendments to this concurrent resolution for purposes of style and clarity.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 43, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 43, H.D. 2.

Signed by all members of the Committee.

SCRep. 1107 Finance on H.C.R. No. 11

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a comprehensive study of Hawaii's public sector collective bargaining law and to submit a report of its findings and recommendations to the Legislature twenty days prior to the convening of the Regular Session of 1986.

About fifteen years have passed since the enactment of the collective bargaining law. During this time, a great amount of collective bargaining experience and insights have been gained by all participants in the process. Your Committee believes that it is time to review the collective bargaining experience and to determine whether it meets the public policy of the State to promote harmonious and cooperative relations between government and its employees, and to protect the public by assuring the effective and orderly operations of government.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 11 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1108 Finance on H.R. No. 343

The purpose of this resolution is to request the Department of Taxation to conduct a study on the effect of replacing the present ad valorem liquor tax with the gallonage liquor tax and to submit funding and recommendations no later than twenty days before the convening of the Regular Session of 1986.

Your Committee received testimonies from several liquor dealers in favor of the resolution. They testified that there are inequities in the current tax method because of external factors that increase the price of liquor and thus increasing their tax liability such as shipping and storage cost.

Your Committee believes that such a review is needed to assess equitable taxes and not as a means to increase tax revenue.

Your Committee suggests that the Department of Taxation utilizes the data and resources of the Tax Foundation in conducting this study.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 343 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1109 Water, Land Use, Development and Hawaiian Affairs and Housing
on H.R. No. 340 (Majority)

The purpose of this resolution is to request the Board of Land and Natural Resources to conduct a review of an inventory of public lands under its jurisdiction in order to determine which sites are available for transfer or lease to the Hawaii Housing Authority which, in turn, would lease one or more of these sites to an eleemosynary organization for housing for Hawaii's elderly or handicapped.

Your Committees received testimonies from the Departments of Land and Natural Resources and of Social Services and Housing, in support of the resolution. Your Committees recognize the need to provide speedy assistance to Hawaii's elderly or handicapped in terms of specialized housing; however, your Committees are in agreement that, before such assistance may be provided, an inventory of public lands which may be developed as suitable sites for housing for the elderly or handicapped must be taken.

Your Committees have made the following changes to the resolution:

(1) Fifth "WHEREAS" clause: To replace the phrase "housing for the handicapped" with "a housing project solely for the handicapped". The original phrase implies that the Hawaii Housing Authority has not developed any housing for the handicapped. In fact, the Authority has already developed units for the handicapped within its elderly housing projects, but not a housing project solely for the handicapped.

(2) To insert a "WHEREAS" clause, following the sixth "WHEREAS" clause:

"WHEREAS, the Department of Land and Natural Resources has certain public lands under its jurisdiction which may be made available for housing leases, and the Hawaii Housing Authority has a limited number of land-banked projects which may be suitable sites for housing for the elderly or handicapped".

The first half of the "WHEREAS" clause identifies the Department of Land and Natural Resources as a potential source of land disposition through transfer or lease to the Hawaii Housing Authority for the purposes of this resolution. The second half of the "WHEREAS" clause recognizes the possibility that the Authority may already be in possession of available and suitable land sites for housing for the elderly or handicapped and may not need to have land transferred or leased by the Department of Land and Natural Resources.

(3) To insert a "BE IT FURTHER RESOLVED" clause, following the "BE IT RESOLVED" clause:

"BE IT FURTHER RESOLVED that the Hawaii Housing Authority be requested to conduct a review of an inventory of public lands and land-banked projects under its jurisdiction to determine which site or sites are available to lease for housing for the elderly or handicapped".

Current Authority-owned lands may, in fact, be suitable for the stated purpose of this resolution. They should not be precluded from direct leasing to any eleemosynary organization.

(4) Page 2, first "BE IT FURTHER RESOLVED" clause: To insert the words "or currently owned by the Authority" between the phrases "Land and Natural Resources" and "to an eleemosynary organization".

(5) To insert a "BE IT FURTHER RESOLVED" clause, before the final clause in the resolution:

"BE IT FURTHER RESOLVED that any such lands transferred or leased to the Hawaii Housing Authority shall not be credited toward the land exchange involving the Waiahole Valley Agricultural Park".

This clause provides for legislative intent in precluding any action, to be taken by the Department in transferring or leasing its land to the Authority, as credit for an earlier land exchange from the Authority to the Department, involving the Waiahole Valley Agricultural Park.

(6) To make appropriate changes to the title of the resolution, as follows:

"HOUSE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES AND THE HAWAII HOUSING AUTHORITY TO INVENTORY PUBLIC LANDS UNDER THEIR JURISDICTIONS TO IDENTIFY SUITABLE AND AVAILABLE SITES FOR RESIDENTIAL PROJECTS FOR THE ELDERLY OR HANDICAPPED PEOPLE, AND TO LEASE SUCH SITE OR SITES TO ELEEMOSYNARY ORGANIZATIONS FOR SUCH PURPOSES".

(7) To make minor, non-substantive changes to correct grammatical and stylistic errors.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Housing concur with the intent and purpose of H.R. No. 340, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 340, H.D. 1.

Signed by all members of the Committees except Representatives Cachola, Crozier, Kiyabu, Leong, Metcalf, Morgado, Shito, Tajiri, Tam, Isbell, Jones, Kamali'i and Liu.
(Representative Nakata did not concur.)

SCRep. 1110 Higher Education and the Arts on H.R. No. 323

The purpose of this resolution is to request that the University of Hawaii draft a five-year plan for the delivery of post-secondary education in West Hawaii.

Testimony of the University of Hawaii at Hilo Chancellor referred to a Needs Assessment Survey Study which is already underway, and which reviews course offerings, enrollment patterns, and input from consultants and the community. Thus, they are already doing several of the things this resolution calls for. Written testimony was received from fourteen residents of West Hawaii who supported this resolution.

Your Committee has technically amended this resolution.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 323, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 323, H.D. 1.

Signed by all members of the Committee except Representatives Hagino, Yoshimura and Hemmings.

SCRep. 1111 Higher Education and the Arts on H.C.R. No. 113

The purpose of this concurrent resolution is to request that the University of Hawaii draft a five-year plan for the delivery of post-secondary education in West Hawaii.

Testimony of the University of Hawaii at Hilo Chancellor referred to a Needs Assessment Survey Study which is already underway, and which reviews course offerings, enrollment patterns, and input from consultants and the community. Thus, they are already doing several of the things this concurrent resolution calls for. Written testimony was received from fourteen residents of West Hawaii who supported this concurrent resolution.

Your Committee has technically amended this concurrent resolution.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 113, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 113, H.D. 1.

Signed by all members of the Committee except Representatives Hagino, Yoshimura and Hemmings.

SCRep. 1112 Higher Education and the Arts on H.R. No. 372

The purpose of this resolution is to request that the Board of Regents develop measures of effectiveness for the University of Hawaii, and establish baseline data to facilitate future evaluations. This resolution states that to carry out the University's stated mission and strategic plan, regularly scheduled evaluations must be conducted to assess the effectiveness of its current programs. To do this requires that evaluative criteria be established.

Your Committee received testimony from the Vice-President for Academic Affairs outlining the various evaluation programs currently used at the University. He described a wide range of assessments they conduct, such as end of semester course evaluations by students, program reviews, accreditation reviews for professional schools, and numerous others. He further stated that effective evaluation is difficult because goals and evaluatory criteria often cannot be quantified and related.

This resolution has been amended by replacing the phrase "baseline data" in line

5, paragraph 5, and in the title with "reference points". This was a result of the lack of clear definition and interpretation of the original language.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 372, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 372, H.D. 1.

Signed by all members of the Committee except Representatives Hagino, Yoshimura and Hemmings.

SCRep. 1113 Higher Education and the Arts on H.R. No. 373 (Majority)

The purpose of this resolution is to request that the President of the University of Hawaii, Dean of the School of Travel Industry Management, and the Board of Regents study the feasibility of establishing a tourism-related graduate program.

This resolution recognizes the importance of tourism to this State, and is concerned that we may not be able to meet the future managerial needs of the industry.

Your Committee received favorable testimony from the Office of the Lieutenant Governor citing the significance of the tourist industry to Hawaii, and the appropriateness of having a graduate Travel Industry Management program at the University. Also testifying in favor of this resolution was the Dean of the School of Travel Industry Management who expressed an eagerness to work toward the establishment of a graduate program.

Your Committee addressed the concern that this resolution may be used to subvert the regular review and evaluation process which all proposed graduate programs must undergo, by making clear that that is not their intent.

Your Committee has amended this resolution by adding the phrase "or a Master of Science degree program or both" after all references to "graduate course" or "graduate courses" in the body and title.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 373, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 373, H.D. 1.

Signed by all members of the Committee except Representatives Hagino, Yoshimura and Hemmings.
(Representatives Nakata and Shon did not concur.)

SCRep. 1114 Higher Education and the Arts on H.R. No. 318

The purpose of this resolution is to request that the President of the University of Hawaii and the Chancellor of the University of Hawaii at Hilo, in consultation with the Board of Regents, review the feasibility of establishing new programs for the Hilo Campus. This study shall include but not be limited to programs such as aquaculture, astronomy, observatory technology, and physical education.

This resolution recognizes the University of Hawaii at Hilo's past successes in meeting the goals that were set when the University was established in 1970. However, in response to the changing needs of its students and the community, a periodic assessment of the University's program offerings should be made, with particular attention paid to curriculum expansion.

Your Committee received testimony from the University of Hawaii at Hilo Chancellor describing the process of review that all new programs must undergo. The resulting information is incorporated into an Academic Development Plan, which is a projection of the programs and attendant support services the campus plans for the next six years. Thus, while he is in support of the intent of this resolution, many of the things it asks are already being done. The Vice-President for Academic Affairs reiterated the testimony of the University of Hawaii at Hilo Chancellor, and further described the rigorous review process that new programs must face.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 318 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hagino, Yoshimura and Hemmings.

SCRep. 1115 Higher Education and the Arts on H.R. No. 344

The purpose of this resolution is to request that the President of the University of Hawaii prepare a report on the status of women faculty members. Among the questions this report will address are whether women's career advancement opportunities and pay schedules are lagging in comparison to that of their male counterparts, and what can be done to remedy any problems identified.

Your Committee received favorable testimony from the Chair of the Women Faculty Caucus of the University of Hawaii, the Director of the Ethnic Studies program, the Director of the Women's Studies Program of the University of Hawaii, the Manoa Faculty Senate, the State Office of Affirmative Action, and several University of Hawaii faculty members. All cited numerous problems faced by women faculty, staff, and students. Testimony of the Vice-President for Academic Affairs referred to Section 1-5 of the Board of Regents Bylaws and Policies, which provides for a policy of non-discrimination and affirmative action. He then stated that while he would be willing to comply with the request this resolution makes, he believes that monitoring efforts rather than report preparation would be a more positive allocation of staff time.

Your Committee has adopted the amendments proposed by the State Office of Affirmative Action, which are as follows:

- (1) The word "schedules" has been deleted from line 4, paragraph 2, as there are no pay schedules at the University.
- (2) The phrase "faculty members" in line 5, paragraph 5 has been replaced with "at the University" to reflect the needs of women at the University.
- (3) The phrase "salary schedules" in line 7, paragraph 5 has been replaced with "pay inequities", again, because there is no salary schedule.
- (4) A paragraph is added after paragraph 5 that will request that the study be conducted in consultation with the Chancellor's Commission on the Status of Women, the Women Faculty Caucus, the Office of Affirmative Action, University of Hawaii Professional Assembly, Faculty Senates, and the Manoa Commission on the Status of Women.
- (5) The title has also been amended to reflect the change in the scope of the resolution.

Your Committee understands that because of the broadened scope of this resolution, the added burden may not allow all problems to be addressed, given the time constraints. However, the University is requested to make its report as thorough as possible.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 344, as amended herein, and recommends that it be referred to Committee on Finance, in the form attached hereto as H.R. No. 344, H.D. 1.

Signed by all members of the Committee except Representatives Hagino, Yoshimura and Hemmings.

SCRep. 1116 Education and Higher Education and the Arts on H.R. No. 346

The purpose of this resolution is to request the Department of Education, in consultation with the University of Hawaii College of Education and the University of Hawaii at Manoa Computing Center, to develop a plan to use the PLATO instructional system in Hawaii's public schools.

Your Committees heard testimony from the Department of Education in support of this resolution.

Your Committees agree that PLATO is an effective learning tool which offers individual instruction, allows users to progress at their own pace, and frees teachers from time-consuming repetitive tasks to concentrate on other teaching responsibilities.

Your Committees have made technical, nonsubstantive amendments to this resolution.

Your Committees on Education and Higher Education and the Arts concur with the intent and purpose of H.R. No. 346, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 346, H.D. 1.

Signed by all members of the Committees except Representative Hagino.

SCRep. 1117 Finance on H.C.R. No. 47

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct an audit of programs within the environmental protection and health services division of the department of health. The purpose of the audit is to determine:

- (1) Whether the current programs are being implemented in accordance with State environmental policies and goals;
- (2) Whether current programs are effective in addressing environmental contamination problems;
- (3) Whether current programs are being managed efficiently;
- (4) Whether the structural organization of the Division promotes or hinders effective program implementation and management; and
- (5) What additional resources are needed and where they can be most effectively used.

The Legislative Reference Bureau's study on the feasibility of establishing a State level environmental protection agency reported a lack of commitment to pollution control, division-wide leadership, and communications. Further, any improvement in the State's capability to protect the public health and the environment begins with positive changes within the Division. Therefore, a comprehensive assessment of the Division's programs is essential to the formulation of statutory changes.

Your Committee on Finance is in accord with the intent and purpose of H.C.R. No. 47 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1118 Consumer Protection and Commerce on H.C.R. No. 4

The purpose of this concurrent resolution is to request Hawaii's Congressional Delegation to review the federal bankruptcy preference law and seek its revision to help depositors, who innocently withdraw their money during the preference period and thereafter face legal action for return of that money.

Your Committee finds that under bankruptcy law, a trustee in bankruptcy is entitled to recover any money withdrawn from the bankrupt within ninety days before the filing of bankruptcy. Further, the law is intended to prevent an unfair advantage to persons who have inside information about an impending bankruptcy and withdraw their money within that ninety-day "preference period". Accordingly, the trustee is empowered to recover any money withdrawn within the preference period, regardless of whether the person withdrawing the money had inside information.

Your Committee finds, however, that this creates undue hardship upon innocent depositors who withdraw their money during the preference periods. A good example is the Manoa Finance Company, Inc. ("Manoa Finance") and Great Hawaiian Financial Corporation ("Great Hawaiian") bankruptcy proceeding. The trustees in

bankruptcy for Manoa Finance and Great Hawaiian have instituted legal action against some depositors to recover the money withdrawn during the preference period.

Your Committee, although in full support of the intent of this provision of the bankruptcy law, finds that there must be some alternative means whereby the innocent depositor can be protected from experiencing greater financial hardship. Clearly, it is difficult to have life savings frozen during bankruptcy proceedings, without forcing the same depositors to pay back money that they were otherwise entitled to withdraw. Your Committee further finds that, in extreme situations, depositors who have withdrawn money during the preference period will incur additional liability by assuming short-term loans and/or mortgages.

Finally, your Committee finds that depositors with time certificates that have matured during the ninety-day preference period have been forced to repay the face amount of such certificates. Clearly, it seems unfair and unfortunate that depositors without inside information should be penalized because the maturity date fell within the preference period.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 4 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1119 Higher Education and the Arts on S.C.R. No. 36

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a management audit of the School of Medicine at the University of Hawaii.

Your Committee received testimony from the Dean of the Medical School who stated that the school is fulfilling the mission it was charged with when it was created in 1971. The Dean cited the contributions the school and its graduates have made to Hawaii's medical services, and the increased opportunity it has given Hawaii's students through its minority programs. He also described other intangible benefits such as an overall increase in the scope and quality of medical care in Hawaii, and the social and cultural impact that expanded opportunities have on minorities underrepresented in the profession.

Your Committee does not intend that the requested audit be interpreted as a criticism of the medical school, but regard it as an additional tool with which the Legislature can carry out its ongoing responsibilities.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 36, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hagino, Yoshimura and Hemmings.

SCRep. 1120 Consumer Protection and Commerce on H.R. No. 15

The purpose of this resolution is to request Hawaii's Congressional Delegation to review the federal bankruptcy preference law and seek its revision to help depositors, who innocently withdraw their money during the preference period and thereafter face legal action for return of that money.

Your Committee finds that under bankruptcy law, a trustee in bankruptcy is entitled to recover any money withdrawn from the bankrupt within ninety days before the filing of bankruptcy. Further, the law is intended to prevent an unfair advantage to persons who have inside information about an impending bankruptcy and withdraw their money within that ninety-day "preference period". Accordingly, the trustee is empowered to recover any money withdrawn within the preference period, regardless of whether the person withdrawing the money had inside information.

Your Committee finds, however, that this creates undue hardship upon innocent depositors who withdraw their money during the preference periods. A good example is the Manoa Finance Company, Inc. ("Manoa Finance") and Great Hawaiian

Financial Corporation ("Great Hawaiian") bankruptcy proceeding. The trustees in bankruptcy for Manoa Finance and Great Hawaiian have instituted legal action against some depositors to recover the money withdrawn during the preference period.

Your Committee, although in full support of the intent of this provision of the bankruptcy law, finds that there must be some alternative means whereby the innocent depositor can be protected from experiencing greater financial hardship. Clearly, it is difficult to have life savings frozen during bankruptcy proceedings, without forcing the same depositors to pay back money that they were otherwise entitled to withdraw. Your Committee further finds that, in extreme situations, depositors who have withdrawn money during the preference period will incur additional liability by assuming short-term loans and/or mortgages.

Finally, your Committee finds that depositors with time certificates that have matured during the ninety-day preference period have been forced to repay the face amount of such certificates. Clearly, it seems unfair and unfortunate that depositors without inside information should be penalized because the maturity date fell within the preference period.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 15 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1121 Finance on H.R. No. 11

The purpose of this resolution is to review the feasibility of establishing six member juries in civil cases. The resolution requests that the Judiciary study the current twelve member jury requirement in civil cases and determine whether civil cases may be tried with fewer number of jurors.

Your Committee finds that a 1976 study which analyzed the jury trial system in Hawaii recommended that the size of juries in civil cases remain the same. However, the study went on to say that if a change is made, the jury should be composed of eight jurors and that the change be implemented on a trial basis for two years. Your Committee further finds that the Judiciary will update its study pursuant to the request of the Committee.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 11 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1122 Finance on H.R. No. 12

The purpose of this resolution is to study alternatives to expedite the adjudication of traffic cases.

Your Committee finds that the number of traffic violations has grown rapidly during the past decade. The increase is attributed to increases in the number of automobiles and drivers and to the public's growing concern for law enforcement and highway safety. As a result, the district court calendar is now facing serious caseload congestion since all traffic offenses are processed by district court. The Judiciary has already started investigating alternatives and expects to present next session, its recommendations together with appropriate budgetary requests.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 12 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1123 Finance on H.R. No. 48

The purpose of this resolution is to request the department of planning and economic development and the department of budget and finance 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 1986.

Your Committee finds that although the Hawaii State Plan recommends that the budget process conform to the goals and objectives of the plan, the budget process continues to be carried out in isolation to the plan. Consequently, major budgetary decisions are made without policy direction from the State Plan. Your Committee believes that an effort should be made to bring the State budget process into the State planning process to provide greater long-range policy direction in the budget process.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 48 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1124 Finance on H.R. No. 49

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 1986 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.

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 believes 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 agrees with the amendments to this resolution made by the House Committee on Planning, Energy, and Environmental Protection as explained in House Standing Committee Report No. 1008.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 49, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1125 Finance on H.R. No. 50

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 1986 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.

The Hawaii State Plan requires that the decision-making 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 is not being fully utilized by the Commission in its decision-making processes.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 50 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1126 Finance on H.R. No. 60

The purpose of this resolution is to request that the department of land and

natural resources conduct a study on the expansion of its conservation management program into a statewide kapu system in order to better manage and protect Hawaii's ocean resources.

A conservation effort based on a kapu system, known as the Kapuku Plan, was developed and opposed by fishermen in 1971. Consequently, in 1978, the department of land and natural resources tested the feasibility of one of five sites recommended by a consultant under contract. This testing period occurred in the Waikiki area over a two year period using an "open" and "close" system, which proved successful in increasing the biomass of fish per acre.

Your Committee agrees with the findings of the House Committee on Ocean and Marine Resources that there is a need to expand the present testing areas and to escalate full implementation of the Kapuku Plan, Part II. Therefore, your Committee agrees with the amendment made by the previous House Committee that requests the department to identify the types and number of positions required, such as census takers and marine biologists, in order that the department may have sufficient resources to accomplish this objective.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 60, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1127 Finance on H.R. No. 63

The purpose of this resolution is to urge the department of land and natural resources to review its commercial marine licensing system and to determine ways in which it can be improved.

Your Committee concurs with the findings of the House Committee on Ocean and Marine Resources that the commercial licensing system, in concert with fish catch reports, provides the data base presently being utilized by the department to deal with management and program issues. However, efforts to adequately manage our ocean resources are being constrained by the lack of reliable and useful data. Your Committee is of the opinion that the State should therefore study the feasibility of establishing more specific licensing fee categories that could provide the type of data needed to better manage our ocean resources. For example, data on the volume and types of fish caught by the following categories of fishermen could provide useful information for management purposes: full-time fishermen vs. part-time fishermen; resident fishermen vs. out-of-state fishermen; fishermen who concentrate on the Southern Hawaiian Islands vs. those who fish the Northwest Hawaiian Islands; and commercial vs. recreational vs. subsistence type fishermen.

Your Committee agrees with the amendments to this resolution made by the House Committee on Ocean and Marine Resources as explained in House Standing Committee Report No. 642.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 63, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1128 Finance on H.R. No. 70

The purpose of this resolution is to request that the Visitor Industry Education Council prepare a film to show advancement opportunities from entry level positions available through the visitor industry.

Your Committee agrees with the findings of the House Committee on Tourism that the first film produced by the Visitor Industry Education Council, "Tourism, What's in it for Me?", a film that demonstrated how tourism produces jobs for local residents, was an unqualified success. To follow up on this film, it is highly desirable to produce another film to show the advancement opportunities which exist within the visitor industry.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 70 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1129 Finance on H.R. No. 100

The purpose of this resolution is to request the Department of Education to study the need for and cost of building and maintaining a community library on donated land in the vicinity of Farrington Highway and Makakilo Drive.

Your Committee finds that there is a definite need for a community library for the present residents of Makakilo, Honokai Hale, and Barbers Point Naval Air Station because of the current growth of these communities and the lack of a library within a reasonable distance. Residents, especially children, must often use libraries that are several miles away from their homes, such as the Ewa Beach Community-School Library, the Waipahu Library, and the Pearl City Regional Library. A mobile library does serve three different locations twice a month. Service and access to resource or research materials, however, are limited.

Your Committee finds that a readily accessible library will benefit residents of these communities and will also help children to fulfill their learning potential and build a strong educational foundation.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 100 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1130 Finance on H.R. No. 103

The purpose of this resolution is to request the department of accounting and general services to submit a report to the Legislature, prior to the convening of the Regular Session of 1986, on the retrofit of the central air conditioning systems of State buildings. The report is to include: an inventory of multi-story State buildings with central air conditioning systems; information on past retrofit of the central air conditioning systems of state buildings which allows air conditioning on a floor by floor, section by section, or room by room basis; and plans to retrofit the central air conditioning systems of State buildings to allow air conditioning on a floor by floor, section by section, or room by room basis, including the cost-benefit analyses of the plans.

The department of accounting and general services indicated that it would have no objections to preparing the requested report for State buildings which fall under its jurisdiction; however, it would be a problem if they were to prepare a report for State buildings not under its control such as the University of Hawaii, community colleges, airports, hospitals, correction facilities, and the courts. The department of accounting and general services reported that plans to modify the central air conditioning system of the State Capitol to provide for efficient and flexible operation are already under way.

Air conditioning requires a relatively large consumption of energy, and energy is wasted if no work is performed in an area being cooled. Further, certain State buildings, such as the Capitol, have central air conditioning systems, but central air conditioning systems may not be energy efficient because they usually cannot be shut off for only a portion of the building.

Your Committee believes that one means by which the State may achieve its goal of energy conservation is for the State to support a program to provide for the installation of energy efficient retrofits in public hospitals, schools and other buildings.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 103, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1131 Finance on H.R. No. 110

The purpose of this resolution is to request the Department of Planning and Economic Development to conduct a feasibility study on the potential establishment of a regional stock exchange in Honolulu.

Your Committee finds that stock trading through the Honolulu Stock Exchange was discontinued several years ago because of insufficient business. A primary reason for its discontinuation is that the Stock Exchange listed only Hawaii-based corporations. The resolution proposes to study, among other things, the feasibility of listing not only U.S. corporations but also those from Asia and the Pacific and of including a membership from foreign countries as well.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 110, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1132 Finance on H.R. No. 113

The purpose of this resolution is to request the department of planning and economic development to undertake a feasibility study on convening a Pacific Basin Tourism Conference in Hawaii during 1986.

Hawaii, the pioneer of tourism in the Pacific and the model living classroom for the study of tourism, would be an ideal location for Pacific Basin Tourism Conference to discuss the past progress and future potential of tourism throughout the Pacific.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 113, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1133 Finance on H.R. No. 119

The purpose of this resolution is to request the Legislative Reference Bureau (LRB) in conjunction with the Department of Planning and Economic Development (DPED) to conduct a study to determine the feasibility of establishing a separate public university system that encompasses the present UH at Hilo system.

The LRB would be designated as the overall manager of the study responsible for the examination of the future higher education needs of the Big Island, and all aspects involved with the establishment of a separate public university incorporating the current campus of the University of Hawaii at Hilo. And, the DPED would be responsible for the preparation of that portion of the report concerning the analysis and assessment of the economic impact of a separate university campus in Hilo or elsewhere on the Big Island.

Your Committee feels that the Big Island possesses attributes that uniquely qualify it as a site for a separate university system. The physical attributes include astronomical observation sites, geothermal and ocean thermal resources, diverse climatic conditions, and an abundance of space. In addition, the nature of the island's agriculture industry lends itself to agrarian study and research. And finally, Hilo, as well as other Big Island sites, has the potential to develop into a thriving "college towns" supporting much needed economic development and expansion.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 119, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1134 Finance on H.R. No. 120

The purpose of this resolution is to encourage the establishment of a sand beach on Coconut Island Park in Hilo, by requesting the Department of Land and Natural Resources to compile a list of items which must be completed before the beach can be developed.

Coconut Island Park already has many of the support facilities necessary for visitors and local residents to use the park as a recreational area. The installation of a beach at the park would therefore not be difficult.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 120, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1135 Finance on H.R. No. 133

The purpose of this resolution is to request the Legislative Reference Bureau to make recommendations for a mechanism that would provide automatic increases to State and county retirees, enabling them to cope with the continuing escalation of their basic living costs.

Your Committee finds that Hawaii's current inflationary trend has had a devastating effect on State and county retirees who are dependent upon a fixed income for living expenses, and believes that a suitable method must be found to regularly supplement the post retirement allowance of our retirees.

Your Committee agrees with amendments made by your Committee on Public Employment and Government Operations as explained in Standing Committee Report No. 647.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 133, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1136 Finance on H.R. No. 137

The purpose of this resolution is to request the administrative director of the judiciary to examine the necessity for free witness parking not presently provided.

Your Committee finds that serious parking problems exist in the downtown business area surrounding the courts, including limited parking spaces and dense traffic congestion. These problems add to the stress placed on a witness or victim who must come to court to testify.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 137 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1137 Finance on H.R. No. 221

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study of the impact of granting to temporary teaching assignment appointees probationary credit towards tenure and preference for the filling of vacant unencumbered teaching positions.

Your Committee finds that presently there are approximately 600 temporary teacher appointees, who because of their temporary status are not allowed tenure, probationary credit toward tenure, or preference for filling vacant unencumbered teaching positions. In addition, these conditions often lead to teacher morale problems and frustrations.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 221, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1138 Finance on H.R. No. 232

The purpose of this resolution is to promote employee ownership for Hawaii's businesses through efforts by the Department of Planning and Economic Development in establishing an employee stock ownership advisory committee to assist the Department in all matters relating to employee stock ownership, including education, technical assistance, research, promotion, and outreach.

Your Committee finds that employee stock ownership programs have fostered greater cooperation between labor and management by providing a way for the workers to become part-owners of a company that employs them. Your Committee is of the opinion that these programs would provide worthwhile employee benefits without any direct outlay of cash by the companies.

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. 1139 Finance on H.R. No. 269

The purpose of the resolution is to request the Department of Social Services and Housing (Department) to find ways to expand the availability of health care plans for Medicaid recipients.

Your Committee believes that developing a framework under which Medicaid recipients can exercise freedom of choice, without sacrificing quality of care for the recipients, and which provides cost-savings to the State is prudent State policy. The consistent yearly increases in the Medicaid budget, and the constant reduction in the Federal share of the Medicaid budget, place the State in a difficult situation.

A ten-year, \$80 million Rand Corporation study comparing the cost and use of medical care in an innovative test program in Seattle, Washington, shows a 28% reduction in annual cost per participant, 40% fewer hospital admissions and days of hospitalization per person and less costly styles of medicine when comparing health maintenance organizations (HMOs) with fee-for-service medical care.

Your Committee is aware, however, that requiring all Medicaid recipients to enroll in HMOs is not currently possible. First, federal waivers would be required. Second, there are not enough currently available HMOs to accept the approximately 81,000 Medicaid recipients. And third, the efficiency and effectiveness of the pilot program which requires all Medicaid recipients on Kauai to receive medical services from a federally qualified HMO, and the success of the guaranteed enrollment plan enacted by the Twelfth Legislature have not yet been assessed.

Your Committee on Finance is in accord with the intent and purpose of H.R. No. 269, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1140 Finance on H.R. No. 288

The purpose of this resolution is to request the Department of Education to conduct a study of the feasibility of allowing tenured teachers to return to college with full pay in order to obtain the necessary credits for certification to teach mathematics or science.

Your Committee finds that the need for additional science and math teachers has been documented through the Office of Personnel Services' ongoing five-year studies of instructional personnel needs. These studies assist the Department in anticipating shortage and surplus areas so plans can be developed and implemented before crises occur.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 288 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1141 Finance on H.R. No. 292

The purpose of this resolution is to request the department of health to comply with Senate Resolution No. 129-84 which requested the department of health (DOH) to meet with the Governor and the Mayors of the various counties to assess the economic impact of implementing Title II, Chapter 23, of DOH's administrative rules

relating to Underground Injection Control.

The department of health was designated by the Governor to develop an Underground Injection Control Program for Hawaii. The purpose of this program is to protect the State's underground sources of drinking water. Senate Resolution No. 129-84 requested the submittal of a report on the findings and recommendations of the Governor's conference on underground injection in Hawaii. To date, however, this report has not been submitted to the Legislature. Due to the critical importance of this issue, your Committee wishes to urge the prompt submission of this report.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 292 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1142 Finance on H.R. No. 335

The purpose of this resolution is to request the House Education Committee to examine the statewide standardized testing program of the Department of Education and to review the testing program; purposes, appropriateness, and desirability of streamlining the testing program; worth of the tests to teachers in understanding the instructional achievements and deficiencies of their students; and problems regarding evaluation and timely delivery of results.

Your Committee agrees that standardized testing can be an important factor in identifying and correcting instructional deficiencies. However, your Committee finds that currently test results are not provided to teachers in a timely fashion nor is adequate assistance in evaluating test results offered. Your Committee concurs that there is an urgent need to correct these problems.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 335, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1143 Finance on H.R. No. 339

The purpose of this resolution is to request that the Governor of the State of Hawaii establish a commission to plan and coordinate activities commemorating the 200th anniversary of the arrival of the Chinese in Hawaii. This resolution also makes recommendations for community and governmental representation on the commission, as well as requiring status reports on the commission's activities and projects.

Chinese immigration to Hawaii has made an indelible mark on Hawaiian history, commerce, and society. Thus, it is appropriate that a commission be created to plan and coordinate the celebration.

Your Committee agrees with the amendments made to this resolution made by the House Committee on Higher Education and the Arts as explained in House Standing Committee Report No. 1070.

Your Committee on Finance concurs with the intent and purpose of H.R. No 339, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1144 Finance on H.R. No. 153

The purpose of this resolution is to request Hawaii's Congressional delegation to provide for the distribution of federal grants to each state according to a formula based on the number of military personnel and their dependents based in the state. This Resolution also requests that the Department of Social Services and Housing (Department) act as a liaison between the State government and the Congressional delegation, and initiate a meeting between the Department, the Office of Children and Youth, and the appropriate officials of the Pacific Command of the United States Department of Defense to coordinate State and federal programs

which provide child abuse and neglect services to military personnel and their dependents.

With the increase in child abuse and neglect reports over the past few years of which 20 percent are reportedly cases involving military personnel and their dependents, the federal-state cooperative efforts in this area needs to be strengthened and further developed.

Hawaii prides itself in being a State which cares for the needs of its children especially those who are victims of abuse and neglect. To meet the needs of all these children, it is necessary that all parties who have a responsibility for providing services as a result of abuse or neglect share in the cost of these services.

Your Committee believes that further discussion and coordination between the responsive State agency and the military in Hawaii will lead to a better effort in this area.

Child abuse and neglect is a community-wide problem and as such must be addressed by the entire community. More coordination between the State and the military can only bring the community closer to more effective responses to the increasing problems of child abuse and neglect.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 153, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1145 Finance on H.R. No. 160

The purpose of this resolution is to request that the department of transportation provide a status report to the legislature prior to the convening of the 1986 Legislature on efforts to finalize and implement the Kewalo Basin Master Plan. This report would include an elaboration on the status of the conflict between the commercial fishing industry and the excursion cruise and charter boat industry, and comment on concerns relating to the physical plant of the available piers.

The Kewalo Boat Basin Master Plan is divided into two phases: Phase 1 of the Master Plan is scheduled to become effective in August of 1985; and Phase 2 of the Master Plan has funds programmed for the next biennium.

Your Committee agrees with the findings of the House Committees on Transportation and Ocean and Marine Resources that the improvements recommended by the Kewalo Basin Task Force will help to alleviate conflicts that may exist as a result of competition between different industries over available resources.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 160 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1146 Finance on H.R. No. 178

The purpose of this resolution is to urge the State of Hawaii to implement immediately the Alala Restoration Plan and to establish an Alala sanctuary on State-owned lands in Puuwaawaa on the Island of Hawaii.

Your Committee finds that the alala, or Hawaiian crow, is in imminent danger of extinction and that its numerous have declined precipitously in the last few years. An estimate of the alala population has been placed at less than two dozen. Your Committee is of the opinion that action must be taken immediately to implement the recommendations of the Alala Restoration Plan.

Your Committee agrees with amendments made by your Committees on Water, Land Use Development and Hawaiian Affairs and on Planning, Energy, and Environmental Protection as explained in Standing Committee Report No. 653.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 178, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1147 Finance on H.R. No. 195

The purpose of this resolution is to define and examine the relationship between teaching and research at the University of Hawaii, and to consider whether or not one is emphasized at the expense of the other.

Your Committee finds that there is some disagreement that teaching at the undergraduate level is or is not given adequate support. Your Committee further finds that the needs of research and teaching are compatible with the overall goal of the University and in fact are not separable.

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. 1148 Finance on H.R. No. 208

The purpose of this resolution is to request the University of Hawaii Board of Regents and the President to conduct a study of the alternatives for providing additional on-campus housing for students at the University of Hawaii at Hilo. The requested study would include recommendations for implementation with appropriate cost analyses.

Your Committee agrees that the environment that is created by a residential college is compatible with and desirable for the Hilo community. Further, there are a significant number of Hawaii students who cannot be accommodated with housing, and must find more expensive and less convenient off-campus housing, or leave school. While the figures cannot be determined with precision, the Committee believes that there are also a significant number of students who do not apply to the University of Hawaii at Hilo because they are aware of the housing shortage.

Your Committee is of the opinion that the predicted growth in enrollment will occur only when adequate on-campus housing is available. Finally, your Committee finds that an overwhelming number of applicants for housing are Hawaii residents.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 208 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1149 Finance on H.R. No. 211 (Majority)

The purpose of this resolution is to authorize the Board of Land and Natural Resources to negotiate the leasing of submerged lands for reclamation, at the expense of the lessee, and approving the development of submerged lands at Ke'ehi Lagoon.

Your Committee finds that there has been a long-standing controversy between efforts for economic development and environmental preservation. Any attempt to resolve this controversy will require compromises that address the concerns of all interest groups. In reaching a compromise, your Committee was guided by the following principles:

1. That prior to leasing of the site, careful studies be undertaken to determine impacts;
2. That if some ocean area is taken for the purpose of industrial use, we should return something to the ocean. In this case, giving priority to ocean and marine related industrial uses;
3. That with positive cooperation, there can be a combination of activities that can both satisfy the need for ocean activities as well as economic development.

Moreover, your Committee believes that a lessening of a traditional industrial complex approach, to that which accommodates ocean and marine related industries,

can possibly begin an era of creative accommodation.

Your Committee agrees with amendments made by your Committees on Ocean and Marine Resources and on Water, Land Use Development and Hawaiian Affairs as explained in Standing Committee Report No. 1002.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 211, H.D. 1, and recommends its adoption.

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

SCRep. 1150 Finance on H.R. No. 212

The purpose of this resolution is to request the Department of Land and Natural Resources to find ways to protect sea birds in an area adjacent to the U.S. Fish and Wildlife Service Administrative Site at Kilauea, Kauai. The resolution further requests a feasibility study of State or county acquisition of the nesting site.

Your Committee finds that in 1979 the Department of Land and Natural Resources recommended the acquisition of property in the area adjacent to the U.S. Fish and Wildlife Service Administrative Site at Kilauea, Kauai. The acquired property would then be managed as a wildlife refuge for nesting sea birds. However, the important sea bird nesting areas are presently owned by private consortiums which plan to develop the site for agricultural subdivision purposes. In working with the County of Kauai Planning Commission in evaluating the permits requested by the developer, the Department has succeeded in providing for a building set-back line and fence construction to protect the sea bird habitat and scenic views along the sea cliffs, as a condition of approval of the development.

Your Committee finds that there has been no resolution of the question of which public agency would eventually acquire and manage the sanctuary portion of the area. Your Committee is in agreement with the intent of the resolution to initiate a feasibility study on the acquisition and management of the Kilauea area.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 212, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1151 Finance on H.R. No. 215

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a feasibility study of a land readjustment system for the redevelopment and revitalization of appropriate communities, including Kakaako, downtown Honolulu, Kalihi-Palama, and McCully-Moliiili.

According to the Hawaii Housing Authority, there are owner-occupants and landlords who find it difficult to rehabilitate or reconstruct their dwelling units because their properties are of such odd shapes and small sizes that present zoning subdivision standards inhibit such landowners from rebuilding on their lots. Your Committee is of the opinion that land readjustment would provide a potential solution to these problems through private redevelopment of older communities, paving the way for better housing conditions.

Your Committee agrees with amendments made by your Committees on Water, Land Use, Development and Hawaiian Affairs and Housing, as explained in Standing Committee Report No. 1024.

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. 1152 Corrections and Rehabilitation on H.R. No. 287

The purpose of this resolution is to request the State Intake Service Center to study the feasibility of implementing alcohol treatment programs for alcoholics who

are convicted of non-violent crimes as an alternative to incarceration.

Your Committee heard testimony from the State Intake Service Center (SISC) which expressed support for the intent of this resolution. Nevertheless, the Executive Director of SISC testified that his agency is not in a position to conduct a meaningful study on convicted offenders, particularly on those in corrections facilities on Oahu, since the agency does not conduct presentence investigations and assessments for alternative sentencing for convicted offenders. However, the Executive Director did suggest that his agency would be willing to conduct a pilot study on pretrial offenders on Oahu.

Your Committee also heard testimony from the Department of Social Services and Housing to the effect that many long term convicted alcoholics are already being treated by private substance abuse centers, namely Hina Mauka and Eureka House. However, the Department indicated that there is an absence of such programs for short-term inmates such as pre-trial detainees, and for persons arrested and convicted for driving under the influence (DUI) although tougher drunk driving laws mean that this inmate population will continue to increase.

Based on the testimony received and information provided, your Committee finds that a study by the SISC on the feasibility of implementing substance abuse programs for short-term inmates is warranted. Moreover, your Committee believes that the study should include drug abuse as well as alcohol related programs, since many inmates have had prior histories of drug abuse.

Accordingly, your Committee has made the following amendments to this resolution:

1. Changed the title of this resolution to request a study on the feasibility of substance abuse programs for short term inmates.
2. Inserted a "WHEREAS" clause to indicate that many prison inmates have had prior histories of drug abuse and require treatment in our correctional facilities.
3. Inserted a "WHEREAS" clause to indicate that there is currently a lack of substance abuse treatment programs to address drug and alcohol problems of short term inmates including pre-trial detainees and persons convicted of driving under the influence (DUI).
4. Inserted language in the "BE IT RESOLVED" clause to request that the State Intake Service Center, in consultation with the Alcohol and Drug Abuse Branch of the Department of Health, conduct a pilot study on the feasibility of developing alcohol and drug substance abuse treatment programs for short term inmates including pre-trial detainees, persons convicted of driving under the influence (DUI), and probationers serving prison time as a condition of probation.
5. Inserted the Alcohol and Drug Abuse Branch of the Department of Health in the last "BE IT FURTHER RESOLVED" clause.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.R. No. 287, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 287, H.D. 1.

Signed by all members of the Committee.

SCRep. 1153 Corrections and Rehabilitation and Health on H.R. No. 256

The purpose of this resolution is to request the Corrections Division of the Department of Social Services and Housing to develop standardized daily menus for all State correctional facilities so as to facilitate the expansion of agricultural industries in the correctional system. The resolution also requests the development of a pilot study on implementing a low sugar and caloric dietary program for inmates to determine whether changes in inmate dietary habits would lead to a reduction in anti-social behavior while meeting basic nutritional requirements.

Your Committees heard testimony from the Department of Social Services and Housing (DSSH), the Department of Health and the Hawaiian Sugar Planters' Association (HSPA).

The DSSH testified that there is a need to coordinate the development of Corrections Division agricultural industries with the projected food service requirements of each correctional facility. The Department acknowledged that it is difficult to determine appropriate levels of agricultural production because each correctional facility develops its own individualized menus. Therefore, the Department concurred with the intent of the resolution requesting the promulgation of standards in the planning of menus for each correctional facility.

However, the DSSH expressed concern about the reference to standardized menus for all community correctional centers, indicating that each correctional facility should have some flexibility and discretion to develop individualized menus given variations in inmate population and activities. Instead, the Department recommended an amendment to the resolution to request the development of "standardized nutritional guidelines" to plan menus as well as estimate annual consumption of foodstuffs to be produced by correctional industries. Concerning the study on low sugar diets, the Department suggested that the Hawaii Youth Correctional Facility (HYCF) be the subject of the study and that a "before and after" research approach be adopted to measure levels of disruptive behavior. However, the Department disagreed that caloric levels in inmates' diets are excessive, and stated that any attempt to impose a more rigid diet on inmates could lead to unrest and riots.

The Department of Health agreed with the intent of the resolution and stated that the objectives could be achieved by adopting a standard menu pattern based on Recommended Dietary Allowances. The Health Department also stated that its 1983-84 review of the correctional facilities food menus indicated that the menus were generally adequate and that a reduction in sugar consumption might be beneficial to the health of the inmates. The Department indicated that it was willing and available to participate in and provide technical assistance to a study.

Regarding to a pilot study to implement a low-sugar diet program, the HSPA expressed opposition to this study stating that the suggestions and assumptions made with regard to the presumed effects of sugar and other carbohydrates (starches) on criminal behavior are untrue and scientifically discredited. The HSPA also stated that a nutritionally balanced diet should include 15% to 20% sugars and carbohydrates. The Department of Health disagreed with the HSPA and stated that the recommended percentage of sugars and carbohydrates is 10%, and that the Department's 1983-1984 review of the HYCF revealed sugar content of 15% of total calories. The Department also acknowledged that there is considerable disagreement among experts as to whether excessive sugar levels contribute to anti-social behavior. The Chairman of the Corrections and Rehabilitation Committee also referred to a study reported in a newspaper article indicating that reduced sugar diets could lead to an improved prison climate and inmate behavior.

Based on the testimonies received and the information provided, your Committees are in agreement with DSSH that standardized nutritional guidelines should be adopted at correctional facilities. Furthermore, your Committees find that a pilot study should be done on the benefits to be gained in implementing low-sugar and nutritionally sufficient diets for inmates. Your Committees find that since studies have been conducted demonstrating a positive correlation between low-sugar diets and inmate behavior, further study in this area is warranted. However, your Committees agree with the DSSH in that a reduction in carbohydrates, specifically starches, may cause discontent among inmates and make inmate control more difficult.

Accordingly, to address the concerns of DSSH, your Committees have made the following amendments to this resolution:

(1) Amended the title of the resolution and the "BE IT RESOLVED" clause to delete reference to "standardized menus" and to request instead the development of "standardized nutritional guidelines and recommended meat and vegetable product quantities for each major type of inmate group or program for State correctional facilities", and the development and implementation of a pilot study on the effects of a low-sugar diet on inmate behavior.

(2) Deleted any references in the resolution which indicates that the caloric content of meals may be excessive.

(3) Inserted a new "BE IT FURTHER RESOLVED" clause to provide that the pilot study on the low sugar diet should designate the HYCF as the program study group, and deleting any references in the resolution to control on experimental

groups.

(4) Inserted in University of Hawaii as a consulting agency.

(5) Specified that the report to be submitted to the Legislature prior to the convening of the 1986 Session shall detail the progress made in establishing nutritional guidelines and levels of agricultural production, and results of a low-sugar diet on inmate behavior.

Your Committees on Corrections and Rehabilitation and Health concur with the intent and purpose of H.R. No. 256, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 256, H.D. 1.

Signed by all members of the Committees.

SCRep. 1154 Corrections and Rehabilitation and Health on H.C.R. No. 84

The purpose of this concurrent resolution is to request the Corrections Division of the Department of Social Services and Housing to develop standardized daily menus for all State correctional facilities so as to facilitate the expansion of agricultural industries in the correctional system. The concurrent resolution also requests the development of a pilot study on implementing a low sugar and caloric dietary program for inmates to determine whether changes in inmate dietary habits would lead to a reduction in anti-social behavior while meeting basic nutritional requirements.

Your Committees heard testimony from the Department of Social Services and Housing (DSSH), the Department of Health and the Hawaiian Sugar Planters' Association (HSPA).

The DSSH testified that there is a need to coordinate the development of Corrections Division agricultural industries with the projected food service requirements of each correctional facility. The Department acknowledged that it is difficult to determine appropriate levels of agricultural production because each correctional facility develops its own individualized menus. Therefore, the Department concurred with the intent of the concurrent resolution requesting the promulgation of standards in the planning of menus for each correctional facility.

However, the DSSH expressed concern about the reference to standardized menus for all community correctional centers, indicating that each correctional facility should have some flexibility and discretion to develop individualized menus given variations in inmate population and activities. Instead, the Department recommended an amendment to the concurrent resolution to request the development of "standardized nutritional guidelines" to plan menus as well as estimate annual consumption of foodstuffs to be produced by correctional industries. Concerning the study on low sugar diets, the Department suggested that the Hawaii Youth Correctional Facility (HYCF) be the subject of the study and that a "before and after" research approach be adopted to measure levels of disruptive behavior. However, the Department disagreed that caloric levels in inmates' diets are excessive, and stated that any attempt to impose a more rigid diet on inmates could lead to unrest and riots.

The Department of Health agreed with the intent of the concurrent resolution and stated that the objectives could be achieved by adopting a standard menu pattern based on Recommended Dietary Allowances. The Health Department also stated that its 1983-84 review of the correctional facilities food menus indicated that the menus were generally adequate and that a reduction in sugar consumption might be beneficial to the health of the inmates. The Department indicated that it was willing and available to participate in and provide technical assistance to a study.

Regarding to a pilot study to implement a low-sugar diet program, the HSPA expressed opposition to this study stating that the suggestions and assumptions made with regard to the presumed effects of sugar and other carbohydrates (starches) on criminal behavior are untrue and scientifically discredited. The HSPA also stated that a nutritionally balanced diet should include 15% to 20% sugars and carbohydrates. The Department of Health disagreed with the HSPA and stated that the recommended percentage of sugars and carbohydrates is 10%, and that the Department's 1983-1984 review of the HYCF revealed sugar content of

15% of total calories. The Department also acknowledged that there is considerable disagreement among experts as to whether excessive sugar levels contribute to anti-social behavior. The Chairman of the Corrections and Rehabilitation Committee also referred to a study reported in a newspaper article indicating that reduced sugar diets could lead to an improved prison climate and inmate behavior.

Based on the testimonies received and the information provided, your Committees are in agreement with DSSH that standardized nutritional guidelines should be adopted at correctional facilities. Furthermore, your Committees find that a pilot study should be done on the benefits to be gained in implementing low-sugar and nutritionally sufficient diets for inmates. Your Committees find that since studies have been conducted demonstrating a positive correlation between low-sugar diets and inmate behavior, further study in this area is warranted. However, your Committees agree with the DSSH in that a reduction in carbohydrates, specifically starches, may cause discontent among inmates and make inmate control more difficult.

Accordingly, to address the concerns of DSSH, your Committees have made the following amendments to this concurrent resolution:

(1) Amended the title of the concurrent resolution and the "BE IT RESOLVED" clause to delete reference to "standardized menus" and to request instead the development of "standardized nutritional guidelines and recommended meat and vegetable product quantities for each major type of inmate group or program for State correctional facilities", and the development and implementation of a pilot study on the effects of a low-sugar diet on inmate behavior.

(2) Deleted any references in the concurrent resolution which indicates that the caloric content of meals may be excessive.

(3) Inserted a new "BE IT FURTHER RESOLVED" clause to provide that the pilot study on the low-sugar diet should designate the HYCF as the program study group, and deleting any references in the concurrent resolution to control on experimental groups.

(4) Inserted in University of Hawaii as a consulting agency.

(5) Specified that the report to be submitted to the Legislature prior to the convening of the 1986 Session shall detail the progress made in establishing nutritional guidelines and levels of agricultural production, and results of a low-sugar diet on inmate behavior.

Your Committees on Corrections and Rehabilitation and Health concur with the intent and purpose of H.C.R. No. 84, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 84, H.D. 1.

Signed by all members of the Committees.

SCRep. 1155 Consumer Protection and Commerce on H.R. No. 151

The purpose of this resolution is to request the Board of Massage to create a specialty classification for Nerve Therapy Technicians.

Your Committee finds that currently the Board of Massage does not recognize any specialty designation within the massage therapy field. However, various groups which are presently under the jurisdiction of the Board of Massage have requested the Legislature to create such specialty designations or new licensing programs. Consequently, your Committee has amended this resolution to incorporate all of these specialty groups by requesting the Board of Massage to review the treatment of specialties under the current massage statute.

Due to the wide range of methods of training and treatment that these specialty classifications require, there would seem to be some justification for the individual treatment of each group. In order for the Legislature to fully understand the issues involved in specialty designations, the Board is requested to provide at least the following information as part of its report:

(1) The potential specialties which currently exist (including, but not limited to, lomilomi, shiatsu, kiate, reflexology, rolfing and traggering) and might

therefore be subject to specialty designation;

- (2) A description of the theory and basic practice in each specialty;
- (3) The current training which exists for each specialty;
- (4) The existence of organizations devoted to fostering and maintaining any of the specialties;
- (5) Any significant concerns such as cultural considerations which may impact on the designation of specialties; and
- (6) Any recommendations that the Board has on the issue of specialty designation or licensing.

The Board of Massage shall be required to report its findings to the Legislature twenty days prior to the convening of the 1986 Regular Session and include any legislation, if necessary, in its report.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 151, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 151, H.D. 1.

Signed by all members of the Committee.

SCRep. 1156 Consumer Protection and Commerce on H.R. No. 443

The purpose of this resolution is to request the Director of Commerce and Consumer Affairs to conduct a study on prepaid individual capitation dental plans.

In the past decade, throughout our country, there has been a rapid proliferation in numbers and varieties of dental prepayment insurances. Many plans have been successful and others have gone defunct at the expense and the demise of the consumer. In recent years more than thirty-four states have enacted legislation to regulate these plans.

Your Committee however, acknowledges that according to the Dental Survey Utilization Study of 1982, approximately 48% of Hawaii's population have not been able to acquire dental plan coverage. Your Committee further acknowledges that it is in the best interest of the people and the State of Hawaii to offer low cost dental care to these 300,000 persons in Hawaii that presently do not have dental coverage.

The Department of Commerce and Consumer Affairs, the Hawaii Dental Service and the Hawaii Dental Association all submitted testimony in favor of this resolution. The American Dental Plan submitted testimony against the enactment of this resolution.

For purposes of clarification, your Committee has amended this resolution by deleting paragraphs 11, 12, 13 and 16. Upon further consideration, your Committee has amended this resolution by inserting a comma and the word "capitation" in quotation marks after the word "indemnity" in line 2 of paragraph 20.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 443, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 443, H.D. 1.

Signed by all members of the Committee.

SCRep. 1157 Consumer Protection and Commerce on H.C.R. No. 153

The purpose of this concurrent resolution is to request the Director of Commerce and Consumer Affairs to conduct a study on prepaid individual capitation dental plans.

In the past decade, throughout our country, there has been a rapid proliferation in numbers and varieties of dental prepayment insurances. Many plans have been

successful and others have gone defunct at the expense and the demise of the consumer. In recent years more than thirty-four states have enacted legislation to regulate these plans.

Your Committee, however, acknowledges that according to the Dental Survey Utilization Study of 1982, approximately 48% of Hawaii's population have not been able to acquire dental plan coverage. Your Committee further acknowledges that it is in the best interest of the people and the State of Hawaii to offer low cost dental care to these 300,000 persons in Hawaii that presently do not have dental coverage.

The Department of Commerce and Consumer Affairs, the Hawaii Dental Service and the Hawaii Dental Association all submitted testimony in favor of this concurrent resolution. The American Dental Plan submitted testimony against the enactment of this concurrent resolution.

For purposes of clarification, your Committee has amended this concurrent resolution by deleting paragraphs 11, 12, 13 and 16. Upon further consideration, your Committee has amended this concurrent resolution by inserting a comma and the word "capitation" in quotation marks after the word "indemnity" in line 2 of paragraph 20.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 153, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 153, H.D. 1.

Signed by all members of the Committee.

SCRep. 1158 Consumer Protection and Commerce on H.R. No. 404

The purpose of this resolution is to request the State Attorney General and the United States Attorney to investigate and prosecute forthwith, if warranted, alleged violations of law in connection with the management and operation of certain industrial loan companies.

Your Committee heard testimony from the Department of Commerce and Consumer Affairs in favor of the resolution. The Department testified that it was currently cooperating with the United States Attorney's Office regarding its investigation of Manoa Finance Company, Incorporated and Pacific Standard Investment and Loan, Incorporated. Further, the Department was also cooperating with the State Department of the Attorney General regarding Manoa Finance Company, Incorporated and Great Hawaiian Financial Corporation.

Your Committee also heard testimony from the State Department of the Attorney General (A.G.). The A.G.'s Office testified that an ongoing investigation was being conducted jointly with the United States Attorney's Office. The A.G.'s Office was not able to answer in detail many of the questions brought forth by your Committee. The A.G.'s Office did however, express its intent of providing the answers at a later date and to fully cooperate to whatever legal extent possible with the investigation called for by the resolution.

Your Committee, upon further consideration, has amended the resolution by requesting that the following information be given to your Committee prior to the end of this Legislative Session:

- (1) Who convened the joint task force (the United States Attorney's Office along with the State Department of the Attorney General)?
- (2) When did the investigation begin?
- (3) Who is being investigated?
- (4) What is the timetable for the investigation?
- (5) What procedures are being used to obtain information and who is being requested to provide this information?

Your Committee has further amended the resolution by requesting the State Attorney General and the United States Attorney to report their findings to the

Legislature twenty days prior to the convening of the 1986 Regular Session.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 404, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 404, H.D. 1.

Signed by all members of the Committee.

SCRep. 1159 Consumer Protection and Commerce on H.C.R. No. 133

The purpose of this concurrent resolution is to request the State Attorney General and the United States Attorney to investigate and prosecute forthwith, if warranted, alleged violations of law in connection with the management and operation of certain industrial loan companies.

Your Committee heard testimony from the Department of Commerce and Consumer Affairs in favor of the concurrent resolution. The Department testified that it was currently cooperating with the United States Attorney's Office regarding its investigation of Manoa Finance Company, Incorporated and Pacific Standard Investment and Loan, Incorporated. Further, the Department was also cooperating with the State Department of the Attorney General regarding Manoa Finance Company, Incorporated and Great Hawaiian Financial Corporation.

Your Committee also heard testimony from the State Department of the Attorney General (A.G.). The A.G.'s Office testified that an ongoing investigation was being conducted jointly with the United States Attorney's Office. The A.G.'s Office was not able to answer in detail many of the questions brought forth by your Committee. The A.G.'s Office did however, express its intent of providing the answers at a later date and to fully cooperate to whatever legal extent possible with the investigation called for by the concurrent resolution.

Your Committee, upon further consideration, has amended the concurrent resolution by requesting that the following information be given to your Committee prior to the end of this Legislative Session:

- (1) Who convened the joint task force (the United States Attorney's Office along with the State Department of the Attorney General)?
- (2) When did the investigation begin?
- (3) Who is being investigated?
- (4) What is the timetable for the investigation?
- (5) What procedures are being used to obtain information and who is being requested to provide this information?

Your Committee has further amended the concurrent resolution by requesting the State Attorney General and the United States Attorney to report their findings to the Legislature twenty days prior to the convening of the 1986 Regular Session.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 133, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 133, H.D. 1.

Signed by all members of the Committee.

SCRep. 1160 Consumer Protection and Commerce on H.R. No. 442

The purpose of this resolution is to request the Real Estate Commission with the assistance of the Hawaii Bar Association, Hawaii Association of Realtors and other interested parties to study methods to simplify the language and style of Horizontal Property Regimes (HPR) public reports utilizing words with common and every day meanings in order that the lay person understands the required statutory disclosures made in connection with the sale or resale of new or converted apartments.

HPR Public Reports are issued by the Real Estate Commission pursuant to statute

to facilitate a purchaser's knowing and intelligent decision relating to the purchase of an apartment(s) in a condominium project. However, the Commission's administrative experience with reviewing and amending the proposed public reports drafted and submitted by the developers or their attorneys has been that the basic informational and disclosure purpose of the public reports have been lost through lawyers use of mazes of legalese.

Your Committee finds that the use of plain language in HPR public reports would assist prospective purchasers of condominium apartments by making all material and pertinent facts regarding the project more understandable. Purchasers would therefore be able to make more knowledgeable and intelligent decisions.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 442, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1161 Consumer Protection and Commerce on H.C.R. No. 152

The purpose of this concurrent resolution is to request the Real Estate Commission with the assistance of the Hawaii Bar Association, Hawaii Association of Realtors and other interested parties to study methods to simplify the language and style of Horizontal Property Regimes (HPR) public reports utilizing words with common and every day meanings in order that the lay person understands the required statutory disclosures made in connection with the sale or resale of new or converted apartments.

HPR Public Reports are issued by the Real Estate Commission pursuant to statute to facilitate a purchaser's knowing and intelligent decision relating to the purchase of an apartment(s) in a condominium project. However, the Commission's administrative experience with reviewing and amending the proposed public reports drafted and submitted by the developers or their attorneys has been that the basic informational and disclosure purpose of the public reports have been lost through lawyers use of mazes of legalese.

Your Committee finds that the use of plain language in HPR public reports would assist prospective purchasers of condominium apartments by making all material and pertinent facts regarding the project more understandable. Purchasers would therefore be able to make more knowledgeable and intelligent decisions.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 152, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1162 Consumer Protection and Commerce on H.R. No. 433

The purpose of this resolution is to conduct an interim study on general liability insurance for pest control operators and its effect on the consuming public.

Your Committee heard testimony from the Pest Control Board of the Department of Commerce and Consumer Affairs, the Peacock Roofing and Termite Co., Ltd., Hawaii Pest Control Association and Exterminators, Inc. The Board testified that since mid-March 1985, members of the Hawaii Pest Control Association have had their insurance increase dramatically/or cancelled on the renewal date of the insurance policy. Further, the appropriate way to handle the unavailability of insurance coverage is to enact an emergency rule change which would allow Pest Control Operators (PCO) to do the following:

- (1) Permit PCO's to obtain available liability insurance; or
- (2) Permit PCO's to provide a cash bond in the amount of \$50,000, subject to a six-year statute of limitations; or
- (3) Permit PCO's to provide a yearly financial statement certifying a net worth of \$50,000 or more.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 433 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1163 Consumer Protection and Commerce on H.C.R. No. 148

The purpose of this concurrent resolution is to conduct an interim study on general liability insurance for pest control operators and its effect on the consuming public.

Your Committee heard testimony from the Pest Control Board of the Department of Commerce and Consumer Affairs, the Peacock Roofing and Termite Co., Ltd., Hawaii Pest Control Association and Exterminators, Inc. The Board testified that since mid-March 1985, members of the Hawaii Pest Control Association have had their insurance increase dramatically/or cancelled on the renewal date of the insurance policy. Further, the appropriate way to handle the unavailability of insurance coverage is to enact an emergency rule change which would allow Pest Control Operators (PCO) to do the following:

- (1) Permit PCO's to obtain available liability insurance; or
- (2) Permit PCO's to provide a cash bond in the amount of \$50,000, subject to a six-year statute of limitations; or
- (3) Permit PCO's to provide a yearly financial statement certifying a net worth of \$50,000 or more.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 148 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1164 Health and Consumer Protection and Commerce on H.R. No. 410

The purpose of this resolution is to request a study during the Interim Session of the Legislature of medical professional liability insurance by the House Committees on Health and Consumer Protection and Commerce and to report their findings and recommendations twenty (20) days before the convening of the Regular Session of 1986. The Department of Commerce and Consumer Affairs, the Legislative Reference Bureau and representatives from the medical profession, legal profession, hospitals, insurance industry, Department of Health, the Insurance Commissioner and general public will be requested to provide information to the Committees to cover the past ten (10) years of medical professional liability insurance experience in the State.

Your Committees are concerned that the affordability and availability of medical malpractice insurance has become an issue of serious controversy which may effect the provision of health services in the State.

Your Committees agree that information required to be reported by Chapter 671, Hawaii Revised Statutes, as well as other data, must be evaluated and recommendations presented to the 1986 Legislature addressing the legal, disciplinary, regulatory, financial and marketplace considerations necessary to assure a cost-effective, fair and reasonable system of compensation and justice in Hawaii.

Your Committees heard testimony in favor of this resolution and the proposed amendments from the Department of Commerce and Consumer Affairs, Hawaii Medical Association, Hawaii Federation of Physicians and Dentists, Philippine Medical Association, Physicians Protective Association of Hawaii, Hospital Association of Hawaii, Hawaii Association of Physicians for Indemnification, and the Hawaii Academy of Plaintiffs Attorneys.

Your Committees have amended this resolution by restating the Whereas clauses to more accurately reflect the intent of the resolution.

Your Committees have also amended this resolution to more clearly delineate the

points to be included in the study to include but not be limited to the information stipulated by H.R.S. Chapter 671-5 and H.R.S. Chapter 671-20, information on premiums paid over the past ten years and the percentage gross receipts spent for malpractice insurance premiums, actual awards received by injured party, as well as funds expended for defense and plaintiffs legal costs, and data from the insurance companies writing or who have written malpractice insurance in Hawaii. These specific amendments are included on pages 2, 3, and 4 of the Resolution.

Your Committees are aware that the information requested in the study may not be available; however, it is the committees' intention to consider what is available and to report what is not available.

Your Committees on Health and Consumer Protection and Commerce concur with the intent and purpose of H.R. 410, as amended herein, and recommend its referral to your Committee on Legislative Management, in the form attached hereto as H.R. No. 410, H.D. 1.

Signed by all members of the Committees.

SCRep. 1165 Ocean and Marine Resources and Water, Land Use, Development
and Hawaiian Affairs on H.R. No. 421

The purpose of this resolution is to request that the U.S. Army Corps of Engineers conduct a study on beach erosion for the neighbor islands.

The University of Hawaii's Geophysics Department and the Department of Planning and Economic Development testified on behalf of this measure.

Your Committees find that there is a need to include the Departments of Land and Natural Resources, Transportation and the Hawaii State Association of Counties as consultants to this effort in order to maximize the efficiency of such a study. Therefore, your Committees have amended this resolution to that effect.

Your Committees on Ocean and Marine Resources and Water, Land Use, Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 421, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 421, H.D. 1.

Signed by all members of the Committees.

SCRep. 1166 Ocean and Marine Resources on H.R. No. 347

The purpose of this resolution is to request the University of Hawaii Sea Grant College Program to study the idea of developing a commercial fisherman's handbook.

The Sea Grant Program at the University of Hawaii testified in favor of this measure. The Department of Land and Natural Resources indicated that it is presently putting together information for such a handbook and is willing to work with the Sea Grant Program in its completion. Moreover, the cooperation of the Department of Planning and Economic Development is considered by your committee also helpful in the development of such a handbook.

Your Committee finds that the fifth whereas clause in this resolution needs to be amended by deleting the reference to fishermen having a solid working knowledge of how and where to fish. Your Committee has made this amendment and has further amended this measure to add the Departments of Land and Natural Resources and Planning and Economic Development as consultants to the Sea Grant Program in development of a fisherman's handbook.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 347, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 347, H.D. 1.

Signed by all members of the Committee.

SCRep. 1167 Ocean and Marine Resources on H.R. No. 435

The purpose of this resolution is to request that the Department of Land and Natural Resources study the feasibility of designating Kawela Bay as a marine life conservation district.

The Department of Land and Natural Resources testified that it supports this measure, but does not have the resources to fully implement the intent of this measure. The department recommended that if the reporting requirements were more flexible, such a study could be undertaken. Your Committee finds that by deleting the reporting requirements, and by having the department include this study under its Kapuku Plan activities, the department will be better able to respond to the intent of H.R. No. 435. Your Committee has amended this resolution to that effect.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 435, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 435, H.D. 1.

Signed by all members of the Committee.

SCRep. 1168 Ocean and Marine Resources on H.C.R. No. 151

The purpose of this concurrent resolution is to request that the Department of Land and Natural Resources study the feasibility of designating Kawela Bay as a marine life conservation district.

The Department of Land and Natural Resources testified that it supports this measure, but does not have the resources to fully implement the intent of this measure. The department recommended that if the reporting requirements were more flexible, such a study could be undertaken. Your Committee finds that by deleting the reporting requirements, and by having the department include this study under its Kapuku Plan activities, the department will be better able to respond to the intent of H.C.R. No. 151. Your Committee has amended this resolution to that effect.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 151, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 151, H.D. 1.

Signed by all members of the Committee.

SCRep. 1169 Housing on H.R. No. 409

The purpose of this resolution is to have the House Committee on Housing study the present laws and policies of Hawaii and their impact on housing.

Your Committee finds that land is one of Hawaii's most valuable resources, both because of its scarcity in an island state, and because land ownership in Hawaii is heavily concentrated in the federal and state governments and in large private landholdings. This severely limits the availability of land and causes upward pressure in the cost of private, individual residential property.

Your Committee feels that state government has the responsibility of ensuring that its statutes and policies be used as a positive tool to provide for urban development which meets the housing and economic needs of the general state populace.

Your Committee on Housing is in accord with the intent and purpose of H.R. No. 409 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representative Kiyabu.

SCRep. 1170 Water, Land Use, Development and Hawaiian Affairs on S.C.R.
No. 30

The purpose of this concurrent resolution is to request the Board of Land and Natural Resources to proceed expeditiously in investigating and executing a land exchange between the State and The Estate of James Campbell for geothermal development at the Kilauea East Rift Zone on the Big Island of Hawaii.

Your Committee held on March 19, 1985, a public hearing on a House companion to this concurrent resolution, H.C.R. No. 63, and concurred with the House version, after deleting the sixth "WHEREAS" clause. However, your Committee is of the opinion that any difference between S.C.R. No. 30 and H.C.R. No. 63, H.D. 1, is minor, and that the Senate version is acceptable.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of S.C.R. No. 30 and recommends its adoption.

Signed by all members of the Committee except Representatives Crozier, Metcalf, Tajiri, Tam, Isbell and Kamali'i.

SCRep. 1171 Transportation on H.R. No. 259

The purposes of this resolution are: 1) to request that the Department of Transportation adopt special area rules governing the use of jet skis at Maunalua Bay; and 2) to specifically require jet ski operations at Maunalua Bay to be located 300 to 400 yards west of their present location off Portlock beach, to the Diamond Head side of the channel.

Your Committee finds that the proliferation of jet skis at Maunalua Bay has exacerbated the competition among beach and ocean users for available beach and ocean space. Beach and ocean areas such as Maunalua Bay have become increasingly dangerous for swimmers and other beach and ocean users to frequent due to the mixing of various types of water-based, recreational activities.

Your Committee received testimony from Mr. Buddy McGuire and others of the Portlock Community Association favoring this resolution, to limit the operation of jet skis at Maunalua Bay. Mr. McGuire provided your Committee with two reasons for his objection to the unrestricted use of jet skis there: 1) the jet skis pose a safety hazard to swimmers and other beach and ocean users; and 2) the jet skis create a noise problem which affects residents living near the Bay.

Your Committee also received testimony from the Department of Transportation opposing this resolution, as presently worded. The Department believes that special area use permits may be necessary to ease the conflict between different types of beach and ocean users at Maunalua Bay; however, the Department is hesitant to designate a specific area for a commercial jet ski rental concession because of the possibility that liability may result from making such a designation. Further, the Department realizes that to effectively implement a use-plan for Maunalua Bay, all potential hazards at the Bay, not just jet skis, should be addressed by Department rules.

The Department of Land and Natural Resources also testified in favor of this resolution, to limit the number of commercial jet ski operators permitted to do business at Maunalua Bay, to zone the offshore waters, to establish speed limits for those zones, and to minimize the noise problem caused by the operation of jet skis.

Your Committee believes that to effectively implement Special Area Rules governing the use of Maunalua Bay, all uses of the Bay must be addressed and incompatible uses must be separated from each other. Therefore, your Committee has amended the title of this resolution to read as follows: "House Resolution Requesting the Department of Transportation to Adopt Special Area Rules Governing the Use of Maunalua Bay". Your Committee has also amended the second, fifth, sixth, and seventh "Whereas" clauses, the "Be It Resolved" and the first "Be It Further Resolved" clauses to reflect the need to adopt Special Area Rules addressing all potential uses of the Bay and not specifically jet ski use.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 259, as amended herein, and recommends that it be referred to the Committee

on Finance, in the form attached hereto as H.R. No. 259, H.D. 1.

Signed by all members of the Committee.

SCRep. 1172 Health on H.C.R. No. 131

The purpose of this concurrent resolution is to have the legislature of the State of Hawaii recognize the month of May, 1985, as "BETTER HEARING AND SPEECH MONTH" in the State of Hawaii to facilitate greater awareness of speech, language, and hearing disorders and their treatment, and to honor the professionals in the field of speech-language pathology and audiology for their outstanding work.

It is estimated that 100,000 persons in the State of Hawaii have speech, language, or hearing impairments which affect their educational, vocational, personal, and social functions. Most of these persons who suffer from communicative disorders can be helped by speech-language pathologists and audiologists if they are made aware of the profession and how to obtain the available services.

To achieve these ends, the Hawaii Speech-Language-Hearing Association, in conjunction with the American Speech-Language-Hearing Association and other civic organization, annually sponsors a better hearing and speech month, the month of May being so designated for 1985.

Your Committee agrees that the efforts of the Hawaii Speech-Language-Hearing Association to inform the public about communication disorders and how and where to get help, and to encourage early detection, proper treatment, and prevention of these disorders, are to be commended.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 131 and recommends its adoption.

Signed by all members of the Committee except Representative Jones.

SCRep. 1173 Finance on S.B. No. 1297

The purpose of this bill is to increase the ceiling of tax liability for the filing of general excise tax returns on a quarterly basis from \$1,000 to \$2,000. This bill also allows taxpayers with an annual general excise tax liability of less than \$1,000 to file a general excise tax return on a semiannual basis on July 31 and January 31; provided that the director of taxation is satisfied that this filing and payment on a semiannual basis will not jeopardize the collection of taxes.

Your Committee finds that this measure will ease the flow of tax returns and forms being processed by the department of taxation, and will lessen the burden of filers with a limited tax liability, thereby encouraging greater taxpayer compliance. Moreover, the State's cash flow will not be impaired by the changes proposed in this measure.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1297, 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. 1174 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 327

The purpose of this resolution is to request the U.S. Postal Service to issue a commemorative stamp in honor of Duke Kahanamoku in conjunction with America's participation in the 1988 Olympic Games.

Your Committee recognizes Duke Kahanamoku as one of Hawaii's greatest athletes and as an international sports figure. His participation in Olympic swimming competitions in 1912, 1920, 1924, and 1932 brought worth accolades and recognition to Hawaii and the United States. Your Committee is of the opinion that Duke Kahanamoku's achievements should be commemorated by the U.S. Postal Service in conjunction with the upcoming 1988 Olympic Games.

Minor, non-substantive changes have been made to correct grammatical and stylistic errors.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 327, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 327, H.D. 1.

Signed by all members of the Committee except Representatives Crozier, Metcalf, Tajiri, Tam, Isbell and Kamali'i.

SCRep. 1175 Human Services on H.C.R. No. 62

The purpose of this concurrent resolution is to recognize 1985 as the International Youth Year, as designated by the United Nations, and to carry out the spirit and intent of the International Youth Year by individuals and appropriate public and private youth and youth-servicing organizations in Hawaii.

According to testimony from the statewide cosponsors of this observance, the Office of Children and Youth and the Governor's Advisory Council for Children and Youth, the goal of the 1985 Hawaii State International Youth Year (IYY) is to increase public awareness and appreciation of the 190,000 youth ages 15 to 24 years in Hawaii along the themes of Participation, Development and Peace. Your Committee learned that activities and events will continue throughout the year and that an impressive network of approximately 1,200 public and private sector organizations and entities has been organized.

Your Committee also heard testimony in support of this resolution from the Hawaii State IYY Task Force, which was established to assist in planning, coordinating and networking activities of the IYY celebration. Fifteen volunteer members, representing public and private sectors, five of whom are below the age of 25, are actively involved in assisting the cosponsors in the promotion and publicizing of 1985 IYY.

The 1985 Hawaii State Student Conference, which also adopted at their March Conference a resolution recognizing 1985 IYY, endorsed adoption of this resolution as a reaffirmation of youth rights.

Your Committee wishes to commend the efforts of the Hawaii IYY Chairperson, the Honorable George R. Ariyoshi; the Liaison to the U.S. IYY Commission, Genevieve T. Okinaga; the State Cosponsors, the Office of Children and Youth and the Governor's Advisory Council for Children and Youth; and Hawaii State International Youth Year Task Force; the many public and private sector youth and youth-servicing organizations and, last but not least, the youths between the ages of 15 and 24 in the State of Hawaii.

Your Committee has amended this resolution to insert an additional clause to enhance the concern to strengthen and encourage close family relationships between parents and youth including mutual responsibilities to one another.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 62, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 62, H.D. 1.

Signed by all members of the Committee except Representative Jones.

SCRep. 1176 Corrections and Rehabilitation on H.R. No. 355

The purpose of this resolution as received is to request the Department of Social Services and Housing (DSSH), in conjunction with the United States Immigration and Naturalization Service (INS) and the U.S. Marshall, to study the feasibility of providing alternative housing for the detention of non-criminal illegal aliens with a view toward ensuring that the illegal alien detention population does not unduly overcrowd the community correctional centers and that such population can be appropriately segregated from the rest of the detention population which includes criminals awaiting trial or sentencing.

Your Committee heard testimony in support of the intent of this resolution from the DSSH, the American Civil Liberties Union, the Inter-Agency Council for Immigrant Services, the Oahu Filipino Community Council, the State Immigrant Services

Center, the Coalition to Defend Immigrant Rights, and the American Friends Service Committee.

Based on the testimony received, your Committee finds that the INS can be expected to detain more illegal aliens at the State's correctional facilities, which are presently overcrowded. Your Committee also finds that since many of the illegal aliens who are arrested have never violated any criminal laws and are basically law abiding citizens, every effort should be made to find suitable placement for immigrant detainees outside of correctional facilities based on humanitarian reasons and insufficient space at our community correctional centers.

However, your Committee believes that the scope of the resolution should be broadened to include not only alternative detention facilities but also expanded use of alternatives to incarceration such as supervised release under a family, employer, or private organization, or placement in halfway houses. Your Committee finds that immigrant detainees who are low security risks by reason of their background would be suitable candidates for these types of alternative placement. Your Committee also recognizes that implementing such alternatives would help relieve the acute overcrowding of our State correction centers, and help protect the individual rights and safety of non-criminal aliens.

Your Committee also believes that this resolution should be directed to the INS instead of the DSSH because the INS dictates the conditions for the confinement of immigrant detainees. Therefore, your Committee does not feel a formal study by the DSSH as requested under the resolution is necessary.

Accordingly, your Committee has amended this resolution by:

(1) Amending the original title and the "BE IT RESOLVED" clause to urge the U.S. INS to establish alternative detention facilities and implement alternatives to incarceration for non-criminal immigrant detainees.

(2) Deleting language in the "Be it Resolved" clause requesting the DSSH, in conjunction with the U.S. INS and the U.S. Marshall to conduct a study on the feasibility of providing alternative housing for the detention of non-criminal illegal aliens.

(3) Deleting the "BE IT FURTHER RESOLVED" clause requesting the DSSH to submit a report to the legislature, since the Department will not be performing a study.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.R. No. 355, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 355, H.D. 1.

Signed by all members of the Committee.

SCRep. 1177 Higher Education and the Arts on S.C.R. No. 62

The purpose of this concurrent resolution is to express recognition of, and appreciation and support for, the Law of the Sea Institute and its work. The concurrent resolution is also reflective of the Legislature's desire that the Law of the Sea Institute remain in partnership with the University of Hawaii to the mutual benefit of the University, the Institute and the State of Hawaii and its people.

Your Committee has received testimony from the Department of Planning and Economic Development indicating that the presence of the Law of the Sea Institute in Hawaii has enhanced the reputation of the University and the State among ocean policy scholars worldwide. The Institute's relationship with the University and the State has also served to focus Hawaii's leadership position in the Pacific Basin and has provided local scholars and residents with a resource for the furtherance of studies in international relations and ocean resource management.

Your Committee finds that the contributions made by the Law of the Sea Institute to the enrichment of the educational and research functions of the University merit efforts to preserve the relationship existing between them.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 62 and recommends its adoption.

Signed by all members of the Committee except Representatives Hagino, Yoshimura and Hemmings.

SCRep. 1178 Consumer Protection and Commerce on H.R. No. 333

The purpose of this resolution is to request the Hawaii Insurance Rating Bureau to designate and acknowledge landscape and irrigation contractors as contractors for the purpose of split payroll calculation of workers' compensation insurance rates.

Your Committee received favorable testimony from the Department of Commerce and Consumer Affairs and Hawaiian Landscapes, Inc. Hawaiian Landscapes, Inc. stated that landscape and irrigation contractors calculating without split payroll are forced to pay insurance rates that are different from those paid by specialty, irrigation or plumbing contractors performing identical work.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 333 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1179 Consumer Protection and Commerce on H.R. No. 353

The purpose of this resolution is to encourage the increased use of cable television systems' public access channels, equipment, and facilities.

The Department of Commerce and Consumer Affairs has, by rule, required each regulated cable system to maintain at least one specially designated public access channel and to provide equipment and facilities for its effective use. Additional resources have also been made available to the public as the result of specific orders to some of the cable companies. However, these resources have not been fully utilized.

Your Committee finds that publicizing the availability of public access channels, facilities and equipment will result not only in the better utilization of existing resources, but cablecasting of issues, opinions and subjects which may be of interest to the general public as well as specific segments of Hawaii's population.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 353 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1180 Health on H.R. No. 130

The purpose of this resolution is to request the House Committee on Health to review the need for more sanitary facilities in places where large crowds congregate, such as shopping malls, and to further request that the State Department of Health, City Building Department, and the Chamber of Commerce of Hawaii review and make recommendations on how this problem may be resolved.

The lack of a sufficient number of sanitary facilities in shopping centers, shopping malls and other large shopping areas where large crowds gather, is a matter of concern for the great numbers of elderly who frequent these areas. The elderly, many with physical problems and who suffer from incontinence, find it especially difficult without the availability of sufficient numbers of sanitary facilities. In addition to the elderly, those inconvenienced by the lack of a sufficient number of sanitary facilities include children and the handicapped.

Your Committee on Health concurs with the intent and purpose of H.R. No. 130 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1181 Ocean and Marine Resources; Water, Land Use, Development and Hawaiian Affairs; and Health on H.C.R. No. 40

The purpose of this concurrent resolution is to request that the U.S. Army

Corps of Engineers include aquaculture outfalls and related aquaculture structures and appurtenances under the General Permit System (encompassing both Nationwide and Regional Permit Systems) which provides for the issuance of permits for activities which are similar in nature and have individually cumulatively minor effects.

Your Committees find that, at present, there are two separate but similar procedures applicants are required to pursue. One is initiated by the federal government and the other by the State. This process is unnecessary, costly, and time consuming for both the applicant and government. In 1982, the federal government provided the opportunity to avoid duplication of effort exercised by states or the federal government and allowed regional discretionary authority in deciding upon actions requiring or exempting Corps of Engineers permit procedures. This concurrent resolution would give the Department of Land and Natural Resources, through its Conservation District Regulations, and the Department of Health, which has primary authority to administer the National Pollutant Discharge Elimination System that regulates effluent quality and establishes and enforces State water quality standards, the lead responsibility for application procedures. Following this proposed change, the federal government's role will be to hold public hearings on applications to identify and set appropriate conditions based on public comment.

The Department of Land and Natural Resources spoke favorably on this measure. Dr. Doak Cox of the Environmental Center (University of Hawaii) cautioned that not all aquaculture effluents are benign and that caution should be exercised before this measure is approved. Dr. Cox asked that the U.S. Army Corps of Engineers be requested to determine the feasibility of this measure to ensure the protection of our water quality standards and to minimize hazards to our navigable waters.

Your Committees agree that the State of Hawaii has the trust responsibility to ensure that the health and safety of the general public are preserved and protected. However, such responsibilities should not ignore the need to consider streamlining certain procedures that prove to be efficient, prudent, and harmless to the public's health and welfare.

Your Committees have amended this concurrent resolution as follows:

(1) by inserting the phrase "report on the feasibility of including" into the "BE IT RESOLVED" clause. If the Army Corps of Engineers support this inclusion, then the State of Hawaii, through the Departments of Land and Natural Resources and Health, will take the lead responsibility in processing applications to incorporate aquaculture outfalls and related structures and appurtenances under the General (Regional) Permit System of the United States Clean Water Act;

(2) by inserting a new "BE IT FURTHER RESOLVED" clause requesting that the report be submitted to the 1986 Legislature; and

(3) by making technical, nonsubstantive changes to the concurrent resolution for purposes of clarity and style.

Your Committees on Ocean and Marine Resources; Water, Land Use, Development and Hawaiian Affairs; and Health concur with the intent and purpose of H.C.R. No. 40, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 40, H.D. 1.

Signed by all members of the Committees.

SCRep. 1182 Tourism and Higher Education and the Arts on H.R. No. 365

The purpose of this resolution is to request that the Governor of the State of Hawaii establish a sister province-state relationship between the province of Ilocos Sur, Republic of the Philippines, and the State of Hawaii. This resolution also recognizes the contributions that Filipino immigrants and their descendants have made to Hawaii's culture, society and sugar and pineapple industries.

Your Committees received testimony from the Department of Planning and Economic Development citing the appropriateness of establishing a sister province-state relationship with the country that is the homeland of Hawaii's third largest ethnic group. Also citing the economic and cultural contributions of Hawaii's Filipino

community were a former Hawaiian Sugar Planters' Association recruiter, the Vice-President of the Oahu Filipino Council, the President of the United Filipino Council of Hawaii, and a representative of the Hawaiian Sugar Planters' Association.

Your Committees have amended this resolution for the purpose of clarity.

Your Committees on Tourism and Higher Education and the Arts concur with the intent and purpose of H.R. No. 365, as amended herein, and recommend that it be adopted, in the form attached hereto as H.R. 365, H.D. 1.

Signed by all members of the Committees except Representatives Blair, Hagino, Tungpalan, Yoshimura and Hemmings.

SCRep. 1183 Tourism and Higher Education and the Arts on H.C.R. No. 124

The purpose of this concurrent resolution is to request that the Governor of the State of Hawaii establish a sister province-state relationship between the province of Ilocos Sur, Republic of the Philippines, and the State of Hawaii. This concurrent resolution also recognizes the contributions that Filipino immigrants and their descendants have made to Hawaii's culture, society and sugar and pineapple industries.

Your Committees received testimony from the Department of Planning and Economic Development citing the appropriateness of establishing a sister province-state relationship with the country that is the homeland of Hawaii's third largest ethnic group. Also citing the economic and cultural contributions of Hawaii's Filipino community were a former Hawaiian Sugar Planters' Association recruiter, the Vice-President of the Oahu Filipino Council, the President of the United Filipino Council of Hawaii, and a representative of the Hawaiian Sugar Planters' Association.

Your Committees have amended this concurrent resolution for the purpose of clarity.

Your Committees on Tourism and Higher Education and the Arts concur with the intent and purpose of H.C.R. No. 124, as amended herein, and recommend that it be adopted, in the form attached hereto as H.C.R. No. 124, H.D. 1.

Signed by all members of the Committees except Representatives Blair, Hagino, Tungpalan, Yoshimura and Hemmings.

SCRep. 1184 Ocean and Marine Resources on H.C.R. No. 141

The purpose of this concurrent resolution is to request that the Department of Land and Natural Resources codify and convert certain aquatic resources management provisions of the Hawaii Revised Statutes to Hawaii Administrative Rules.

The Department of Land and Natural Resources testified that it supports the intent of H.C.R. No. 141, however, it does not have the resources to conduct such a codifying and converting effort.

Your Committee finds that this measure would reduce, over time, the overlapping of statutory and administrative rules and regulations. Indeed, these statutes and rules tend to allow the imposition of the Legislature when all that may be required are administrative procedures. Moreover, such procedures will secure the broad participation of the public-at-large, because of the network available to the department and the more flexible time frames as compared to the limited public notice given during legislative sessions.

Your Committee further finds that the department may be aided by assistance by the State Attorney General's Office and the Legislative Reference Bureau in fulfilling the intent of this measure. To this end, your Committee has amended this measure.

Your Committee on Ocean and Marine Resources 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. 1185 Ocean and Marine Resources and Higher Education and the Arts
H.R. No. 366

The purpose of this resolution is to commend the University of Hawaii Sea Grant College Program for the many years of service in marine affairs.

The University of Hawaii's Institute of Geophysics and the Department of Planning and Economic Development testified in support of this measure.

Your Committees on Ocean and Marine Resources and Higher Education and the Arts are in agreement with the intent and purpose of H.R. No. 366 and recommend its adoption.

Signed by all members of the Committees except Representatives Morgado, Nakasato and Yoshimura.

SCRep. 1186 Ocean and Marine Resources and Higher Education and the Arts
H.C.R. No. 125

The purpose of this concurrent resolution is to commend the University of Hawaii Sea Grant College Program for the many years of service in marine affairs.

The University of Hawaii's Institute of Geophysics and the Department of Planning and Economic Development testified in support of this measure.

Your Committees on Ocean and Marine Resources and Higher Education and the Arts are in agreement with the intent and purpose of H.C.R. No. 125 and recommend its adoption.

Signed by all members of the Committees except Representatives Morgado, Nakasato and Yoshimura.

SCRep. 1187 Finance on S.B. No. 561

The purpose of this bill is to add a section to the Hawaii income tax law which would exclude from gross income taxable in the State of Hawaii any tangible income, such as dividends, interest, or capital gains earned by a trust administered in the State of Hawaii, where the beneficial interest in the trust is held by a beneficiary living outside of the State. This exclusion would not apply to any income received from real property or from real property held in a land trust. The bill further provides that any resident beneficiary of a trust with a situs in another State may claim a tax credit for income taxes paid by the trust to the other state or income attributable to other than intangibles.

Usually, a state taxes a beneficiary of a trust for income from intangibles only when that state is the beneficiary's residence. However, Hawaii taxes this income regardless of the trust beneficiary's residence. This may result in double taxation of a nonresident trust beneficiary on this income, because many states do not allow a tax credit for these taxes paid to Hawaii.

Therefore, because of the current law, trusts situated in Hawaii with nonresident beneficiaries may move to other states to avoid such taxation. Moreover, Hawaii is at a disadvantage in attracting trusts from foreign sources, for they tend to look to states that do not tax nonresidents on trust income.

Trust companies are a desirable type of business for Hawaii because they provide clerical, white collar, and professional employment without pollution or adverse consequences; they generate tax revenues on trust administration fees and commissions; and they are essential if Honolulu wishes to become a financial center of the Pacific.

This bill would help to provide an incentive for trusts to be located in Hawaii by eliminating the potential of double taxation on a nonresident beneficiary of a trust for income on intangibles.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 561 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1188 Finance on H.R. No. 243

The purpose of the resolution is to request the Department of Health, with the assistance of the University of Hawaii, to conduct and epidemiological study to determine why Lana'i and Moloka'i residents have extraordinarily high rates of birth defects.

In 1984, the Research and Statistics Office of the Department of Health of the State of Hawaii, published a report entitled: "Frequency of Reproductive Dysfunction in Hawaii by Race and Judicial District 1968-1982." In the study, the Office pointed out that Lana'i and Moloka'i had the highest rate of birth defects of the judicial districts in the State of Hawaii. The study also indicated that Maui County had the highest total usage of pesticides in 1977, a period covered during the study, and that its per capita use rate was four times as much as the next highest ranking county.

It was further concluded in the study that it was not possible to evaluate the possible correlation between the districts with high rates of a reproductive dysfunction and possible exposure to known environmental hazards.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 243 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1189 Finance on H.R. No. 176

The purpose of this resolution is to request the police departments of each county to devise a plan to notify persons who may be entitled to receive compensation or indemnification under the criminal injuries compensation act as soon as possible after a crime is reported.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 176 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1190 Finance on H.R. No. 298

The purpose of this resolution is to request the Director of Transportation to investigate problems relating to the use of the shorewaters and beaches of the north shore of Kauai, and to develop a management plan to ensure the orderly use thereof.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 298, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1191 Finance on H.R. No. 53

The purpose of this resolution is to request: (1) all State agencies to submit a report to the Department of Health describing their hazardous waste management practices; (2) the Department of Health to coordinate and compile a summary of the responding agencies' reports; and (3) the Department of Health to actively advise State agencies involved in the use of hazardous materials as to the proper procedures for its use and disposal.

Your Committee finds that the 1984 House Interim Committee on Hazardous Waste Management Practices in Hawaii recommended the development of a comprehensive plan to properly direct a State-operated waste management program for Hawaii. In response to the fact that many State agencies utilize hazardous materials, the Interim Committee recommended the development of a report on the current practices of all State agencies involved in the use of such materials.

Your Committee feels that this request represents a timely and important step in the development of a State coordinated hazardous waste program. This report will outline any limitations or deficiencies in the State's current system of hazardous

waste management and control.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 53, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1192 Finance on H.R. No. 271

The purpose of this resolution is to request the State Fire Council, with the assistance of the Department of Land and Natural Resources, to study the best and most effective use of aircraft for fire suppression with emphasis on what equipment is currently available in the State, how the equipment can best be utilized, and what measures can be implemented to minimize losses through the economical use of current technology.

In recent years wildland fires on all islands, primarily Maui, Molokai, and the Big Island of Hawaii, have taxed available firefighting resources in the State and the counties. Your Committee is in agreement that additional equipment and air support is needed to contain and extinguish these fires more expeditiously.

Your Committees on Finance concurs with the intent and purpose of H.R. No. 271, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1193 Finance on H.R. No. 242

The purpose of this resolution is to request the Department of Agriculture to determine the source of contamination found in three Maui wells.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 242, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1194 Finance on H.R. No. 52

The purpose of this resolution is to request the Department of Health to prepare a five-year hazardous waste management plan to provide the necessary details to determine future policies for a State-operated waste management program.

Your Committee finds that in recent years, it has been the intent of both the State and Federal governments to establish a State-operated hazardous waste program in Hawaii. The 1984 interim House committee on hazardous wastes in Hawaii concluded that an element necessary toward the achievement of such a goal, is a long-range plan detailing the specific needs and aspects of such a program. Your Committee finds that a five-year plan would assist in the development of an efficient State-operated hazardous waste program.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 52 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1195 Finance on H.R. No. 317

The purpose of this resolution is to request the University of Hawaii: (1) to study the High Technology Development Corporation's recommendations to develop a high technology park on the University of Hawaii at Hilo campus; and (2) to develop a 220-acre parcel of land located near the Hilo campus for consolidated astronomy ground support facilities.

The Legislature last year adopted H.R. No. 364 and H.C.R. No. 138, requesting the High Technology Development Corporation to recommend sites throughout the State with potential for high technology park development. In January 1985 the Corporation's "Statewide Strategy for High Technology Growth" identified astron-

omy as one of Hawaii's most important high technology activities and recommended a high technology park development as proposed in this resolution. Your Committee is in agreement that the park and astronomy ground support facilities would enhance Hawaii's status as an attractive location in high technology and would create economic development opportunities for Hawaii's people.

Moreover, your Committee is of the opinion that efforts to consolidate astronomy ground support facilities, as proposed in this resolution, do not preclude future efforts in the public and private sectors to opt for alternate sites on the Big Island of Hawaii in developing additional astronomy ground support facilities and their related activities. The University of Hawaii at Hilo campus should be viewed as a first stage in synergistic growth and development.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 317, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1196 Finance on H.R. No. 340 (Majority)

The purpose of this resolution is to request the Board of Land and Natural Resources to conduct a review of an inventory of public lands under its jurisdiction in order to determine which sites are available for transfer or lease to the Hawaii Housing Authority which, in turn, would lease one or more of these sites to an eleemosynary organization for housing for Hawaii's elderly or handicapped.

Your Committee recognizes the need to provide speedy assistance to Hawaii's elderly or handicapped in terms of specialized housing, and your Committee is in agreement that, before such assistance may be provided, an inventory of public lands which may be developed as suitable sites for housing for the elderly or handicapped must be taken.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 340, H.D. 1, and recommends its adoption.

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

SCRep. 1197 Finance on H.R. No. 383

The purpose of this resolution is to request the Executive Director of the State's Hawaii Housing Authority (HHA), in consultation with the Housing Directors of the respective county housing agencies, to examine the need for, and the requirements and structure of a Rural Housing Program for the State of Hawaii.

Your Committee finds that the people who live in rural areas constitute a special population by virtue of their geographic isolation, generally lower incomes, larger households, and lack of employment opportunities.

Your Committee finds that the housing needs of the rural communities are not being adequately met by existing state and county programs. The State Housing Functional Plan specifically recognizes the need to encourage and assist in the development of housing for employees of large businesses and industries outside of the urban areas.

Your Committee further finds that the Council of Housing and Construction Industry has unencumbered funds which may be earmarked for the rural housing study. Your Committee recommends that these funds be earmarked for the rural housing study in order that the study may be initiated.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 383 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1198 Finance on H.C.R. No. 88

The purpose of this concurrent resolution is to request an audit of the operation

and maintenance programs of all public buildings, including but not limited to repairs to facilities as well as the conservation of energy and supplies.

Your Committee believes that this concurrent resolution addresses the importance of on-going preventive and corrective maintenance of state buildings to ensure the public's safety, health, and welfare while on the premises of state buildings.

Your Committee has amended the resolution to limit its scope to the development of a listing of repair and maintenance projects with attendant estimated costs necessary to bring all public buildings up to an acceptable state of repair and to establish a preventive maintenance program to keep the facility in that acceptable state for its designed life. Specifically, your Committee has made the following amendments:

- (1) The title has been amended to read:

"REQUESTING THE DEVELOPMENT OF A LISTING OF REPAIR AND MAINTENANCE PROJECTS NECESSARY TO BRING ALL PUBLIC BUILDINGS UP TO AN ACCEPTABLE STATE OF REPAIR AND TO ESTABLISH A PREVENTIVE MAINTENANCE PROGRAM TO KEEP THE FACILITIES IN THAT ACCEPTABLE STATE FOR ITS DESIGNED LIFE."

- (2) The first "BE IT RESOLVED" clause has been amended to read:

"BE IT RESOLVED by the House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1985, the Senate concurring, that the Legislature requests the Department of Accounting and General Services to develop a list of repair and maintenance projects required to bring all public buildings up to an acceptable state of repair and to establish a preventive maintenance program to keep the facilities in that acceptable state for its designed life; except that the following departments will develop their own list of repair and maintenance projects:
...."

- (3) The second "BE IT RESOLVED" clause has been deleted.

- (4) The third "BE IT RESOLVED" clause has been amended to read:

"BE IT FURTHER RESOLVED that these listings be completed and submitted to the Legislature no later than ten days prior to the convening of the Regular Session of 1986; and"

- (5) A single stylistic and technical amendment was also made.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 88, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 88, H.D. 2.

Signed by all members of the Committee.

SCRep. 1199 Finance on H.C.R. No. 67

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a program and budget review limited to the following matters regarding the operations and management of Thrift Guaranty Corporation of Hawaii:

- (1) To the extent permissible by law and if the same will not subject the State to liability, the names of and amounts paid to thrift account holders by Thrift Guaranty Corporation;

- (2) How Thrift Guaranty Corporation determined which depositors were to be paid and how much they were to be paid;

- (3) The names, hourly fee rates, total amount of fees paid (by matter and activity), dates of service, and brief description of services of all attorneys who have been hired and paid by Thrift Guaranty Corporation; and

- (4) The interest rate on the general obligation bonds which were sold by the State to raise money for loans to the Thrift Guaranty Corporation.

Your Committee believes that since the enactment of the Industrial Loan Company Act, Thrift Guaranty Corporation has attempted to provide adequate protective measures that were needed and which prevented millions of additional losses in thrift deposits. However, nearly two years after the State of Hawaii placed Manoa Finance Company and Great Hawaiian Financial Corporation into receivership, depositors are still unsure when they will recover their money or how much they will receive. There is also serious question as to whether Thrift Guaranty Corporation will be able to repay its outstanding loan of approximately \$27 million to the State.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 67, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1200 Corrections and Rehabilitation on H.R. No. 82

The purpose of this resolution, as received, is to request the Administrative Director of Courts to make a presentation of a report on home detention as an alternative to incarceration.

The Prosecutor's Office of the City and County of Honolulu testified in general support of the resolution, and stated that a home detention program should be applicable to offenders convicted of driving under the influence of alcohol and inmates granted parole in order to determine whether they can function within society. However, the Prosecutor's Office expressed its reservations that judges may use home detention as an alternative to incarceration for other law violators, and that monitoring problems could arise.

Also testifying in support of the resolution was Mr. Marc Oley of the Hawaii Paroling Authority who stated that currently there are no available alternatives between traditional probation and incarceration, and that home detention provides such an alternative. Mr. Oley emphasized that a home detention program should target low-risk offenders. He also recommended that the Legislature furnish guidelines for what kind of inmates would qualify for home detention.

Mr. Oley presented a review of the draft "Report On Home Detention" in response to Senate Resolution No. 127 (1984). He noted that home detention as described in the Senate Resolution would apply to very few inmates, and therefore provide little relief for the overcrowding of correctional facilities. As described in the Senate Resolution, home detention would restrict probationers and parolees to their residence, which would preclude them from holding jobs. The offender would have to have a dwelling place and sources of support among family and friends, or be financially well-endowed. Moreover, the offender would be deprived of the rehabilitative benefits of holding a job.

Continuing his review of the report, Mr. Oley proposed a more workable design for a home detention program. He emphasized that participants should not simply remain at home with little structured activity for long periods. Rather, they should be allowed to engage in gainful employment, attend school, or participate in community service work. Home detention as described in the report would allow for these activities. The report also lists criteria to identify those who would be eligible for participation in a home detention program, standards of conduct for the probationer, and standards of supervision.

Finally, Mr. Oley recommended that home detention be implemented first as a pilot project for two years, using the probation/jail felon population as the initial target group. He recommended that two teams of two probation officers supervise approximately 50 probationers in such a project. He also stated that the Adult Probation Division would have sufficient resources available for this project.

Your Committee finds that home detention as described in the draft "Report On Home Detention" may be a viable means of providing an alternative to traditional probation and incarceration which can reduce prison overcrowding, and yet insure safety for society. Moreover, your Committee finds that additional legislation would not be required for the implementation of such a home detention program since the courts have the authority to implement such a program under existing probation statutes.

Accordingly, your Committee made the following amendments to the resolution to

request the implementation of a pilot project by the Courts as recommended by the Hawaii Paroling Authority:

(1) Changed its title and the BE IT RESOLVED clause from requesting a review of the home detention report to requesting the Adult Probation Division and the courts to implement a home detention pilot project as outlined in the draft "Report On Home Detention";

(2) Added a proviso that would allow participants in a home detention program to leave their dwelling for employment, schooling, community service work, medical care, or grocery shopping;

(3) Eliminated the WHEREAS clause stating that a person under home detention who leaves the dwelling would be in clear and visible violation of the suspended sentence, probation, or parole;

(4) Acknowledged the submittal of the draft "Report On Home Detention", which describes a home detention program that can be implemented in Hawaii;

(5) Requested the Administrative Director of Courts to report on the progress of the home detention pilot project;

(6) Asked that copies of the resolution be sent to the Probation Administrator, the Chief Justice of the Supreme Court of Hawaii, and the Parole Administrator, in addition to the Administrative Director of Courts; and

(7) Made minor, non-substantive amendments for purposes of style and clarity.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.R. No. 82, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 82, H.D. 1.

Signed by all members of the Committee.

SCRep. 1201 Corrections and Rehabilitation and Public Employment and
Government Operations on H.R. No. 312

The purpose of this resolution is to request the Department of Social Services and Housing, in consultation with other criminal justice agencies, to develop an implementation plan with cost estimates for the creation of a Department of Corrections, using the model contained in H.B. No. 640 introduced this session as a guide.

The Department of Social Services and Housing (DSSH) testified that it was reluctant to endorse the development of an implementation plan at this time. The DSSH felt that a clarification of the corrections philosophy of this State, the development of coordinated corrections standards and goals, and a clarification of the roles of criminal justice agencies are needed before making decisions about organizational structure. The DSSH indicated that completion of a study to address these areas would require six to nine months of work at a cost of approximately \$200,000 for consultant services.

A representative from the Office of the Prosecuting Attorney for the City and County of Honolulu testified that a philosophy of corrections does indeed exist in this State and is being implemented by criminal justice agencies. The Prosecutor's representative also stated that standards and goals need not be developed prior to the organization of a separate Department of Corrections, as standards and goals can be formulated subsequent to departmental organization.

The DSSH was queried about the cost of a study to determine the feasibility of separating the existing Corrections Division from the DSSH to create a new Corrections Department. Under this approach the inclusion of other criminal justice agencies would not be necessary. In response, the DSSH stated that data concerning the costs for the operation of such a new Department exist and can be provided.

Your Committees find that there are compelling reasons to create a separate Department of Corrections. Currently, the Corrections Division is placed within the organizational structure of DSSH, a large department having many other varied functions, such as the administration of housing and welfare programs. The

creation of a separate department exclusively for corrections would highlight this most critical function and focus more attention on corrections activities. A Department of Corrections which might include prison administration and probation and parole functions can improve coordination among corrections agencies which oftentimes conduct activities in a fragmentary and disjointed manner. In short, administrative efficiency can be improved. Furthermore, with improved coordination and administrative efficiency the creation of a separate Department could facilitate the attainment of those objectives which the DSSH considers important, including the development of coordinated corrections standards and goals.

Your Committees also find that philosophical questions relating to corrections will exist whether or not a new Department is created. Therefore, your Committee disagrees with the DSSH that the submission of a proposal to create a separate Department should await resolution of these issues. These matters can be resolved by the DSSH in the process of developing implementation plans or the new Department could be charged with the implementation of subsequently determined goals and objectives.

Moreover, your Committees find that agreement on which agencies should be included in a separate Department of Corrections may not be reached, but that a lack of agreement should not preclude a plan to create such a department. At the present time, plans should be developed to separate at least the Corrections Division from the DSSH. Furthermore, your Committees find that the DSSH can develop cost estimates and organizational plans without an expensive consultant's study based on its historical costs and expenses in operating as a separate department.

Your Committees on Corrections and Rehabilitation and Public Employment and Government Operations concur with the intent and purpose of H.R. No. 312 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 1202 Corrections and Rehabilitation and Public Employment and
Government Operations on H.C.R. No. 108

The purpose of this concurrent resolution is to request the Department of Social Services and Housing, in consultation with other criminal justice agencies, to develop an implementation plan with cost estimates for the creation of a Department of Corrections, using the model contained in H.B. No. 640 introduced this session as a guide.

The Department of Social Services and Housing (DSSH) testified that it was reluctant to endorse the development of an implementation plan at this time. The DSSH felt that a clarification of the corrections philosophy of this State, the development of coordinated corrections standards and goals, and a clarification of the roles of criminal justice agencies are needed before making decisions about organizational structure. The DSSH indicated that completion of a study to address these areas would require six to nine months of work at a cost of approximately \$200,000 for consultant services.

A representative from the Office of the Prosecuting Attorney for the City and County of Honolulu testified that a philosophy of corrections does indeed exist in this State and is being implemented by criminal justice agencies. The Prosecutor's representative also stated that standards and goals need not be developed prior to the organization of a separate Department of Corrections, as standards and goals can be formulated subsequent to departmental organization.

The DSSH was queried about the cost of a study to determine the feasibility of separating the existing Corrections Division from the DSSH to create a new Corrections Department. Under this approach the inclusion of other criminal justice agencies would not be necessary. In response, the DSSH stated that data concerning the costs for the operation of such a new Department exist and can be provided.

Your Committees find that there are compelling reasons to create a separate Department of Corrections. Currently, the Corrections Division is placed within the organizational structure of DSSH, a large department having many other varied functions, such as the administration of housing and welfare programs. The creation of a separate department exclusively for corrections would highlight this

most critical function and focus more attention on corrections activities. A Department of Corrections which might include prison administration and probation and parole functions can improve coordination among corrections agencies which oftentimes conduct activities in a fragmentary and disjointed manner. In short, administrative efficiency can be improved. Furthermore, with improved coordination and administrative efficiency the creation of a separate Department could facilitate the attainment of those objectives which the DSSH considers important, including the development of coordinated corrections standards and goals.

Your Committees also find that philosophical questions relating to corrections will exist whether or not a new Department is created. Therefore, your Committee disagrees with the DSSH that the submission of a proposal to create a separate Department should await resolution of these issues. These matters can be resolved by the DSSH in the process of developing implementation plans or the new Department could be charged with the implementation of subsequently determined goals and objectives.

Moreover, your Committees find that agreement on which agencies should be included in a separate Department of Corrections may not be reached, but that a lack of agreement should not preclude a plan to create such a department. At the present time, plans should be developed to separate at least the Corrections Division from the DSSH. Furthermore, your Committees find that the DSSH can develop cost estimates and organizational plans without an expensive consultant's study based on its historical costs and expenses in operating as a separate department.

Your Committees on Corrections and Rehabilitation and Public Employment and Government Operations concur with the intent and purpose of H.C.R. No. 108 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 1203 Planning, Energy and Environmental Protection and Health on
H.R. No. 322

The purpose of this resolution is to request the Department of Health, Vector Control Division, to report on the numbers of the mongoose population, compare that with the rat population before and after mongoose introduction, and report on efforts to eradicate the mongoose population.

Your Committees find that the Department of Health is aware of the potential of the mongoose population to create health problems, and has not discovered any health problems to date.

Your Committees further find that the mongoose is protected, as is any other wild animal; that it is diurnal, unlike the nocturnal rat, and does not materially affect the size of the rat population; that its potential in affecting public health includes the possibility of carrying rabies; and that manpower is too limited to respond to the request by the specified date.

Consequently, the resolution has been amended as follows:

- (1) An additional "WHEREAS" clause has been inserted referring to the potential of the mongoose population to carry rabies;
- (2) It is further resolved that DOH will work with DLNR to define the mongoose as a pest;
- (3) The comparison to rats has been deleted; and
- (4) Reporting is amended to include interim reports to each session over a period of five years.
- (5) An additional certified copy is to be transmitted to the Chairman of the Board of Land and Natural Resources.

Your Committees on Planning, Energy and Environmental Protection and Health concur with the intent and purpose of H.R. No. 322, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 322, H.D. 1.

Signed by all members of the Committees.

SCRep. 1204 Planning, Energy and Environmental Protection and Health on
H.R. No. 309

The purpose of this resolution is to request the restoration of six Oahu drinking water wells to the Superfund National Priorities List. They had been eliminated by the EPA due to inadequate funds for the complete list, and out of the desire to avoid a precedent for the cleanup of contaminated drinking water sources.

Your Committees find these drinking water sources essential to the population of Oahu, and local resources inadequate for necessary cleanup.

Your Committees on Planning, Energy and Environmental Protection and Health concur with the intent and purpose of H.R. No. 309 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1205 Planning, Energy and Environmental Protection and Health on
H.C.R. No. 106

The purpose of this resolution is to request the restoration of six Oahu drinking water wells to the Superfund National Priorities List. They had been eliminated by the EPA due to inadequate funds for the complete list, and out of the desire to avoid a precedent for the cleanup of contaminated drinking water sources.

Your Committees find these drinking water sources essential to the population of Oahu, and local resources inadequate for necessary cleanup.

Your Committees on Planning, Energy and Environmental Protection and Health concur with the intent and purpose of H.C.R. No. 106 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1206 Planning, Energy and Environmental Protection on H.R. No. 367

The purpose of this resolution is to urge the extension of the federal energy tax credit for the installation of energy conserving devices.

Your Committee finds that it is a major State goal to reduce Hawaii's dependence on imported petroleum to serve its energy needs. In recent years, resident installations of energy conserving devices allowed for significant reductions in Hawaii's consumption of imported oil. Energy conserving devices such as solar water heating equipment utilize indigenous sources of energy, thereby reducing the owner's utility bills and lessening the State's need for oil. In the past, tax credits for the installation of energy conserving devices have proven to be an excellent incentive toward the installation of such devices. To this end, your Committee fully supports and encourages the extension of the federal tax credit currently available on the installation of energy conserving equipment.

Your Committee has amended this resolution by including the United States Secretary of Energy as a recipient of this resolution.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 367, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 367, H.D. 1.

Signed by all members of the Committee.

SCRep. 1207 Planning, Energy and Environmental Protection on H.C.R. No.
126

The purpose of this concurrent resolution is to urge the extension of the federal energy tax credit for the installation of energy conserving devices.

Your Committee finds that it is a major State goal to reduce Hawaii's dependence on imported petroleum to serve its energy needs. In recent years, resident installations of energy conserving devices allowed for significant reductions in Hawaii's consumption of imported oil. Energy conserving devices such as solar

water heating equipment utilize indigenous sources of energy, thereby reducing the owner's utility bills and lessening the State's need for oil. In the past, tax credits for the installation of energy conserving devices have proven to be an excellent incentive toward the installation of such devices. To this end, your Committee fully supports and encourages the extension of the federal tax credit currently available on the installation of energy conserving equipment.

Your Committee has amended this concurrent resolution by including the United States Secretary of Energy as a recipient of this concurrent resolution.

Your Committee on Planning, Energy and Environmental Protection 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. 1208 Health on H.R. No. 279

The purpose of this resolution, as introduced, is to request the Department of Health to submit to the legislature a report on the study being conducted by Queen's Medical Center concerning the feasibility of starting a treatment center for compulsive behavior, and to request the House of Representatives to hold hearings during the regular session of 1986 on the problem of gambling in Hawaii and its consequences.

The Honolulu Police Department presented testimony to the effect that gambling is a growing problem in Honolulu. It not only causes financial and economic difficulties to gamblers and their family members, but it also causes domestic problems including child neglect and abuse.

The Department also pointed out that promoters of various gambling games support organized crime by paying a percentage of their take to them, and that gambling in schools has led to extortions, robberies, and fights involving students.

Your Committee agrees that compulsive gambling adversely affects individuals, families, and society in general and the report requested in this resolution, hopefully, will lead to the determination of whether rehabilitative programs for compulsive gamblers in Hawaii are needed. In this regard, your Committee has amended the resolution by expanding the request to the House of Representatives to include, among the subjects to be covered in its hearings on gambling, the results of the study concerning the feasibility of starting a treatment center for compulsive behavior, and the uses of such a study in developing rehabilitative programs for treatment of compulsive gamblers.

Your Committee has further amended the resolution by making two minor technical changes, and by deleting all references to "Queen's Medical Center" and by inserting therefor the words "Castle Medical Center". Testimony was presented which showed that Castle Medical Center and not Queen's Medical Center is conducting the indicated study.

Your Committee on Health concurs with the intent and purpose of H.R. No. 279, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 279, H.D. 1.

Signed by all members of the Committee.

SCRep. 1209 Planning, Energy and Environmental Protection on H.R. No. 334

The purpose of this resolution is to request a study of eliminating the remainder of the hydrogen sulfide smell from a geothermal pilot well in Puna.

Your Committee finds that the remaining two percent of the hydrogen sulfide could be removed only at a disproportionate cost; and further, that ambient hydrogen sulfide levels exceed the normal emissions from the geothermal well.

Thus, Your Committee has amended the substantive contents of this resolution and has appropriately retitled the resolution to reflect its amended purpose:

(1) The title requests an interim House Committee to explore alternatives for strengthening the effectiveness of environmental programs;

(2) The "WHEREAS" clauses reflect concerns expressed by legislative activity in the recent past and the recent report of the Legislative Reference Bureau on the feasibility of environmental reorganization for Hawaii;

(3) The "BE IT RESOLVED" clauses call for an interim House Committee to explore alternatives for strengthening Statewide environmental planning and coordination.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 334, as amended herein, and recommends it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 334, H.D. 1.

Signed by all members of the Committee.

SCRep. 1210 Employment Opportunities and Labor Relations on H.R. No. 429

The purpose of this resolution is to encourage the Division of Occupational Safety and Health to increase efforts to ensure that employees are aware of their right to know about toxic materials and harmful physical agents in their workplace.

Your Committee heard testimony from the Department of Labor and Industrial Relations who concurs that means should be developed to provide greater assurances that employees are aware of their rights under the Hawaii Occupational Safety and Health Laws and Standards. They plan to develop an informational program to emphasize the recent expansion of employee's right to know provisions in the standards.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 429 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1211 Consumer Protection and Commerce on S.B. No. 192

The purpose of this bill is to define the different levels of supervision required of supervising dentists during the performance of a procedure by a dental auxiliary.

Currently, there is no definition for the terms "general supervision" and "direct supervision" which creates confusion and misinterpretation regarding the appropriate level of supervision for dental auxiliaries. Dentists use differing levels of supervision in the performance of a procedure or function by an auxiliary.

This bill provides definitions for four levels of supervision which are in conformity with supervision levels recognized by the American Dental Association.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 192, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1212 Human Services and Public Employment and Government
Operations on H.R. No. 332

The purpose of this resolution, as received, is to request the House Committee on Human Services to conduct an interim study of the functions of the State and counties regarding services for senior citizens and recommend measures to implement a more efficient, cooperative, and coordinated system for administering and delivering services for senior citizens between the State and the counties.

Your Committees heard testimony in favor of this resolution from the Executive Office on Aging, the Office of Human Resources of the City and County of Honolulu, and the Kokua Council for Senior Citizens of Hawaii.

Certain questions arose during the hearing on the extent of the federal funding for senior citizens and the requirements placed on the State as a result of this funding. Your Committee therefore amended the resolution to reflect these concerns.

Your Committees made further stylistic changes to the resolution for more clarity and precision.

Your Committees on Human Services and Public Employment and Government Operations concur with the intent and purpose of H.R. No. 332, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 332, H.D. 1.

Signed by all members of the Committees except Representatives Kiyabu, Cavasso and Medeiros.

SCRep. 1213 Transportation on H.R. No. 265

The purpose of this resolution is to direct the Department of Transportation, in cooperation with the Department of Land and Natural Resources and the Attorney General, to develop appropriate amendments to statutes, rules and regulations to address the problems posed by the conflict of rights between sightseers being transported by helicopters and persons being viewed from and whose tranquility is disturbed by these helicopters.

Your Committee received testimony from the State Department of Transportation that the Department controls only those aircraft, including helicopters, that are physically located on airport property. Your Committee received testimony that the Federal Aviation Administration (FAA) is the agency that controls the flight patterns of aircraft.

Your Committee is concerned that any effort by the State to regulate the flight patterns of helicopters in the air space over the State may be preempted by federal law.

Your Committee believes that it is prudent to determine whether or not there is such federal preemption prior to directing the drafting of proposed statutes and rules relating to helicopter flights. Your Committee has therefore amended this resolution as follows:

(1) The title of this resolution has been amended to read: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL OF THE STATE OF HAWAII TO RENDER AN OPINION AS TO THE POSSIBILITY OF THE STATE IMPOSING LIMITATIONS ON AIR TRANSIT BY HELICOPTER";

(2) Your Committee has deleted the substance of the "be it resolved" clause and has deleted the first and second "be it further resolved" clauses and replaced them with a new "be it resolved" and a new "be it further resolved" clause; and

(3) The third "be it further resolved" clause has been amended to delete reference to the Director of the Department of Transportation, the Chairman of the Board of the Land and Natural Resources and the mayors of the four Counties of the State.

Your Committee has also made minor grammatical and syntactical amendments to the first, third, fifth, sixth, and ninth "whereas" clauses and has eliminated the eleventh "whereas" clause; an unnecessarily inflammatory phrase was deleted in the seventh "whereas" clause.

Your Committee on Transportation is in accord with the intent and purpose of H.R. No. 265, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 265, H.D. 1.

Signed by all members of the Committee except Representative Blair.

SCRep. 1214 Ocean and Marine Resources on H.R. No. 434

The purpose of this resolution is to designate canoe paddling as the official state team sport of Hawaii.

The Na Opion Canoe Clubs Association, the Outrigger Canoe Club, Michael Tongg representing several canoe associations and individuals testified in support of this measure.

Your Committee finds that the sport of canoe paddling has significant historical and cultural importance and its survival and expansion over the years is a credit to the hundreds of individuals who contributed in time, money and energies to perpetuate and inspire its continuance. Your Committee notes that the koa canoe has also inspired the manufacturing of prototypes that are less costly, but as a result of their creation, have been able to encourage the growth of this sport and the inclusion of youngsters who otherwise may not have had the opportunity to participate in a sport that helps to develop healthy bodies and minds.

Your Committee has amended this Resolution to add a new whereas to give Koa outrigger canoes the recognition it deserves and has further amended this Resolution to include requesting that the House Committee on Ocean and Marine Resources consider the declaration of the outrigger canoe as the official state sport in an appropriate legislative measure in 1986.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 434, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 434, H.D. 1.

Signed by all members of the Committee.

SCRep. 1215 Planning, Energy and Environmental Protection on H.C.R. No.
117

The purpose of this resolution is to form a ten-person planning Committee composed of directors or their designees and legislators to develop a program plan and organizational structure for a new State-level department for environmental affairs.

Your Committee finds considerable support for improved budgeting and visibility for environmental affairs, but feels that the charge of this resolution preempts the review of various alternatives which might accomplish these objectives. Your Committee finds that a broader investigation is more suited to the planning process.

Your Committee has thus amended the title and resolve of this resolution to reflect this position:

- (1) The title has been amended to request an interim Committee to explore alternatives for improving organizational coordination of environmental programs;
- (2) The composition of the Committee will be members of the House and Senate;
- (3) References to "departmental" mission is changed to "program" mission;
- (4) References to a "new department" are changed to a "proposed program".

Further, your Committee has amended a "WHEREAS" clause, deleting reference to allegations of mismanagement as inappropriate and irrelevant; finally, the date of the first meeting was corrected to read 1985.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 117, as amended herein, and recommends its adoption as H.C.R. No. 117, H.D. 1.

Signed by all members of the Committee.

SCRep. 1216 Human Services on H.R. No. 393

The purpose of this resolution is to request the Executive Office on Aging (EOA) to conceptualize a single access system for elderly persons in Hawaii.

Your Committee finds that services for the elderly in Hawaii are fragmented. The Department of Health (DOH) and the Department of Social Services and Housing (DSSH) provide many services for the elderly. It is, however, extremely difficult and time consuming for an elderly person to know what kind of services

are available and how to go about receiving those services. Your Committee further believes that a conceptual model for a single access system that includes an assessment of what services the elderly person needs would result in cost-savings to the State and a more efficient, less frustrating system for the elderly.

Testimony in support of the concept of a single access system was received from the EOA, DSSH and DOH, the key public agencies involved. After extended discussion it became clear to your Committee that each agency was perceiving the concept of a single access in a different way, each coming from a particular vantage point.

Your Committee therefore amended the resolution to request the EOA to develop a conceptual model that could be used by each department in fulfilling its functions to the elderly and amended the title of the resolution, deleting the concept of a master plan.

Your Committee believes that the resolution, as amended, provides clearer guidelines to the EOA on what your Committee hopes to achieve with the concept of single access. As lead agency for long-term care planning for the elderly, your Committee believes that the EOA should be responsible for the development of such a system.

Your Committee on Human Services is in accord with the intent and purpose of H.R. No. 393, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached as H.R. No. 393, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Hashimoto, Kiyabu, Lindsey, Shito and Jones.

SCRep. 1217 Judiciary on H.C.R. No. 129

The purpose of this concurrent resolution is to request the family court to incorporate where appropriate in its divorce manual, the history of spouse abuse as a consideration in making recommendations regarding the custody of children.

Your Committee finds that children with a background of abuse in their family, whether it involves themselves or other family members, have a higher tendency to be abusers when they become adults. The violent environment becomes a model for the child and may cause a cycle of violence from one generation to another.

Currently, the family court uses a divorce manual to assist judges in making custody decisions. Your Committee believes that incorporating spouse abuse as a consideration in these matters will be a benefit to society and to all parties involved.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 129 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Hashimoto.

SCRep. 1218 Judiciary on H.C.R. No. 132

The purpose of this concurrent resolution is to request that the recommendations contained in the Interstate Transmission of Criminal Justice Data and Information Report be approved by the House of Representatives and that all agencies involved proceed with implementation of the recommendations.

Your Committee received voluminous testimony in support of this concurrent resolution from the Criminal Justice Data Center, the Department of Social Services and Housing, the Honolulu Police Department (HPD), and the City and County of Honolulu Department of Data Systems.

Your Committee finds that effective crime prevention and control programs require accurate and up-to-date local, state, and national information that is properly collected from and disseminated to appropriate law enforcement and corrections agencies. Such a system will assist all aspects of the criminal justice community and the public safety of Hawaii's citizens.

Currently, the Federal Bureau of Investigation has two information sharing

networks in the State. The HPD acts as the state control terminal for both of these information systems making Hawaii the only state to have a nonstate level agency serve this function.

The Criminal Justice Data Center was established in 1979 for the purpose of establishing a central data center for storing, disseminating, and analyzing criminal history information for the criminal justice system. As a result of the Twelfth Legislature's request, the Center has submitted its report on its finding and recommendations concerning the interstate transmission of criminal justice data and information. Your Committee finds that the recommendations contained in the report to be an important step forward in establishing an effective statewide criminal information system.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 398 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Hashimoto.

SCRep. 1219 Judiciary on H.R. No. 398

The purpose of this resolution is to request that the recommendations contained in the Interstate Transmission of Criminal Justice Data and Information Report be approved by the House of Representatives and that all agencies involved proceed with implementation of the recommendations.

Your Committee received voluminous testimony in support of this resolution from the Criminal Justice Data Center, the Department of Social Services and Housing, the Honolulu Police Department (HPD), and the City and County of Honolulu Department of Data Systems.

Your Committee finds that effective crime prevention and control programs require accurate and up-to-date local, state, and national information that is properly collected from and disseminated to appropriate law enforcement and corrections agencies. Such a system will assist all aspects of the criminal justice community and the public safety of Hawaii's citizens.

Currently, the Federal Bureau of Investigation has two information sharing networks in the State. The HPD acts as the state control terminal for both of these information systems making Hawaii the only state to have a nonstate level agency serve this function.

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Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 398 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Hashimoto.

SCRep. 1220 Judiciary on H.R. No. 380

The purpose of this resolution is to request the family court to incorporate where appropriate in its divorce manual, the history of spouse abuse as a consideration in making recommendations regarding the custody of children.

Your Committee finds that children with a background of abuse in their family, whether it involves themselves or other family members, have a higher tendency to be abusers when they become adults. The violent environment becomes a model for the child and may cause a cycle of violence from one generation to another.

Currently, the family court uses a divorce manual to assist judges in making custody decisions. Your Committee believes that incorporating spouse abuse as a consideration in these matters will be a benefit to society and to all parties

involved.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 380 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Hashimoto.

SCRep. 1221 Housing on H.C.R. No. 25

The purpose of this concurrent resolution is to urge Hawaii's Congressional Delegation to examine an alternative program, such as the Variable Housing Allowance (VHA) Program, as a substitute for the "Rent Plus" program for military personnel in Hawaii.

Your Committee finds that there is an enormous amount of competition for the limited number of affordable rental units on Oahu. This problem may in part be attributed to the military "Rent Plus" program, which provides rental allowances to military personnel in order that they may secure private, civilian rental units. Although this program has noble intentions, your Committee finds that this has caused undue hardship on civilian renters, as "rent plus" allowances are often higher than median rent level, and landlords have raised their rents to take full advantage of the maximum allowance established for each military pay grade.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 25 and recommends its adoption.

Signed by all members of the Committee except Representatives Cachola, Graulty, Hirono, Kihano, Levin and Shito.

SCRep. 1222 Housing on H.R. No. 134

The purpose of this resolution is to urge Hawaii's Congressional Delegation to examine an alternative program, such as the Variable Housing Allowance (VHA) Program, as a substitute for the "Rent Plus" program for military personnel in Hawaii.

Your Committee finds that there is an enormous amount of competition for the limited number of affordable rental units on Oahu. This problem may in part be attributed to the military "Rent Plus" program, which provides rental allowances to military personnel in order that they may secure private, civilian rental units. Although this program has noble intentions, your Committee finds that this has caused undue hardship on civilian renters, as "rent plus" allowances are often higher than median rent level, and landlords have raised their rents to take full advantage of the maximum allowance established for each military pay grade.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 134 and recommends its adoption.

Signed by all members of the Committee except Representatives Cachola, Graulty, Hirono, Kihano, Levin and Shito.

SCRep. 1223 Housing and Human Services on H.R. No. 423

The purpose of this resolution is to request the Thirteenth Legislature of the State of Hawaii, to convene a task force by appointing representatives from, but not limited to, the Governor's Office, the Department of Land and Natural Resources, the Department of Hawaiian Home Lands, the Hawaii Housing Authority, the Mayor's office of the City & County of Honolulu, the Honolulu City Council, the City & County of Honolulu's Department of Housing and the Department of Parks and Recreation, the Office of Hawaiian Affairs, Alu Like, the Catholic Diocese, the Episcopal Church, the Homeport Task Force, and the Coalition for the Homeless to examine and identify key individuals and agencies whose involvement is pertinent to the resolution. This task force shall design a plan to provide for short and long-term solutions for those who are presently homeless, and such plan shall be realistic and implementable. The plan shall also include a timetable for execution and possible fiscal implications.

A second purpose of this resolution, as amended, is to declare a moratorium on

evicting the homeless from public beaches until the task force is able to develop a realistic time frame for the implementation of short and long-term plans to accommodate the homeless people of the State of Hawaii.

Your Committees further find that this tragic situation, in part, is due to the high cost of housing construction and rent, the shortage of rental units and the huge demand for affordable housing.

Your Committees have amended this resolution to delineate in the third "BE IT FURTHER RESOLVED" paragraph, that a moratorium on evicting the homeless from public beaches be declared until the task force is able to develop a realistic time frame for the implementation of short and long-term plans to accommodate the homeless people of the State of Hawaii.

Your Committees have further amended this resolution by adding language which further describes and clarifies the plight of the homeless.

Your Committees on Housing and Human Services concur with the intent and purpose of H.R. No. 423, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 423, H.D. 1.

Signed by all members of the Committees except Representatives Cachola, Hirono, Kihano, Levin and Shito.

SCRep. 1224 Housing and Human Services on H.C.R. No. 142

The purpose of this concurrent resolution is to request the Thirteenth Legislature of the State of Hawaii, to convene a task force by appointing representatives from, but not limited to, the Governor's Office, the Department of Land and Natural Resources, the Department of Hawaiian Home Lands, the Hawaii Housing Authority, the Mayor's office of the City & County of Honolulu, the Honolulu City Council, the City & County of Honolulu's Department of Housing and the Department of Parks and Recreation, the Office of Hawaiian Affairs, Alu Like, the Catholic Diocese, the Episcopal Church, the Homeport Task Force, and the Coalition for the Homeless to examine and identify key individuals and agencies whose involvement is pertinent to the resolution. This task force shall design a plan to provide for short and long-term solutions for those who are presently homeless, and such plan shall be realistic and implementable. The plan shall also include a timetable for execution and possible fiscal implications.

A second purpose of this concurrent resolution, as amended, is to declare a moratorium on evicting the homeless from public beaches until the task force is able to develop a realistic time frame for the implementation of short and long-term plans to accommodate the homeless people of the State of Hawaii.

Your Committees further find that this tragic situation, in part, is due to the high cost of housing construction and rent, the shortage of rental units and the huge demand for affordable housing.

Your Committees have amended this concurrent resolution to delineate in the third "BE IT FURTHER RESOLVED" paragraph, that a moratorium on evicting the homeless from public beaches be declared until the task force is able to develop a realistic time frame for the implementation of short and long-term plans to accommodate the homeless people of the State of Hawaii.

Your Committees have further amended this concurrent resolution by adding language which further describes and clarifies the plight of the homeless.

Your Committees on Housing and Human Services concur with the intent and purpose of H.C.R. No. 142, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 142, H.D. 1.

Signed by all members of the Committees except Representatives Cachola, Hirono, Kihano, Levin and Shito.

SCRep. 1225 Finance on S.B. No. 730

The purpose of this bill is to amend Section 407-92.5, Hawaii Revised Statutes, to allow service corporations of savings and loan associations to charge the same

rates as allowed industrial loan companies under Chapter 408, Hawaii Revised Statutes.

Section 407-95, Hawaii Revised Statutes, permits the formation of savings and loan service corporations to engage in activities which are reasonably related to the activities of savings and loan associations. Generally, such activities need the prior approval of the bank examiner; however, the following activities may be engaged in without prior approval: (1) loans; (2) services primarily for financial institutions; (3) real estate services; and (4) certain other investments and other services as permitted to service corporations of federally chartered savings and loan associations. All service corporations are subject to examination by the bank examiner, and such examinations are performed at the same time the parent savings and loan association is examined.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 730, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1226 Finance on S.B. No. 342

The purpose of this bill is to amend Subsection 149 A-13(b), Hawaii Revised Statutes, to establish the annual license fee for a restricted pesticide at a minimum of thirty dollars. This bill also provides for a discretionary increase in license fees according to the amount of pesticide to be sold, offered for sale or distributed.

Your Committee finds that this increase in the minimum fee of licensing restricted pesticides will serve as a deterrent to the indiscriminate use of such pesticides. A minimum fee of thirty dollars would continue to ensure the availability of these pesticides to meet our unique agricultural needs while providing a safeguard to Hawaii's environment.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 342, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1227 Finance on S.B. No. 1209

The purpose of this bill is to reduce, from four per cent to 0.15 per cent, the general excise tax rate imposed on the commission received by travel agents and agencies from the sale of air fares.

Your Committee finds that travel agents and agencies currently pay a four per cent tax on commission received but, unlike other businesses which pay the four per cent tax, they are prohibited by federal law from passing on the general excise tax to their customers. The commissions earned and the cost of the products or services sold by travel agents and agencies are unilaterally established by the suppliers of services, e.g., airlines, hotels, and car rental companies, and any increases in the operational expenses of an agency can only be met by increased sales.

Although the State stands to lose some revenue from the reduction of the general excise tax for travel agencies, your Committee understands that the State does not receive any revenue when consumers purchase their tickets from the airlines; therefore, it would be in the State's interest to correct the inequitable treatment of travel agents under the general excise tax law. Your Committee further notes that insurance agents, subagents, and solicitors, who are also prohibited by state law from passing on the general excise tax to their customers, were granted a reduction of their general excise tax rate to .15 in 1978.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1209, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1228 Employment Opportunities and Labor Relations on H.R. No. 356

The purpose of this resolution is to request a study on the feasibility of establishing an entrepreneurial program to aid unemployed persons who qualify for unemployment compensation.

Your Committee heard testimony from the Department of Labor and Industrial Relations who supports the request and jointly with the Department of Social Services and Housing will study the feasibility of establishing an entrepreneurial program for unemployed persons who qualify for unemployment compensation similar to the French and British models.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 356 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1229 Employment Opportunities and Labor Relations on H.R. No. 428

The purpose of this resolution is to request that a report be prepared to identify groups of individuals most susceptible to job dislocation due to industrial closings and to recommend a preliminary contingency plan for replacement jobs. The Industrial Relations Center is being requested to prepare the report in consultation with the State Department of Labor and Industrial Relations and other agencies.

Your Committee is in support of this request as it will assist in developing longer-range plans for serving the dislocated worker population.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 428 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1230 Employment Opportunities and Labor Relations on H.C.R. No.
145

The purpose of this concurrent resolution is to request that a report be prepared to identify groups of individuals most susceptible to job dislocation due to industrial closings and to recommend a preliminary contingency plan for replacement jobs. The Industrial Relations Center is being requested to prepare the report in consultation with the State Department of Labor and Industrial Relations and other agencies.

Your Committee is in support of this request as it will assist in developing longer-range plans for serving the dislocated worker population.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.C.R. No. 145 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1231 Higher Education and the Arts and Water, Land Use,
Development and Hawaiian Affairs on S.C.R. No. 59

The purpose of this concurrent resolution is to urge the University of Hawaii to approve permanent status for the Hawaiian Studies program.

Your Committees have received testimony from the University that a program assessment coordinating committee, in its evaluation of the Hawaiian Studies program, noted that the University of Hawaii "has a special responsibility to assure the preservation of authentic Hawaiiana, with language as its centerpiece."

Your Committees find it appropriate that the University assume and maintain a leading role in the perpetuation of the Hawaiian culture through the promotion of

the study of the Hawaiian language and the history of the Hawaiian archipelago.

Your Committees on Higher Education and the Arts and Water, Land Use, Development and Hawaiian Affairs concur with the intent and purpose of S.C.R. No. 59, and recommend its adoption.

Signed by all members of the Committees except Representative Tajiri.

SCRep. 1232 Housing on H.R. No. 414

The purpose of this resolution is to request that the Governor of the State of Hawaii designate May 24, 1985 as "Self-Help Housing Day" and to urge the President of the United States to designate the same day as "National Self-Help Housing Day". This resolution also urges the Congress of the United States to continue funding for local self-help housing programs through the Farmers Home Administration.

Your Committee finds that with the high cost of constructing a home in Hawaii, the self-help housing program is a viable alternative to those families comprised of four or more persons, having an annual income below \$18,000 and who reside in a designated rural area. At the present time, families who meet these requirements, are eligible to apply for financial aid from the Farmers Home Administration to construct self-help housing.

Your Committee further finds that the Farmers Home Administration has supported, through funding, the nonprofit Oahu Self-Help Housing Corporations, as well as sixty-four other local self-help housing corporations throughout the United States.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 414 and recommends its adoption.

Signed by all members of the Committee except Representatives Cachola, Grauly, Hirono, Kihano, Levin and Shito.

SCRep. 1233 Judiciary on H.R. No. 316

The purpose of this resolution is to request that the U.S. Congress conduct further public hearings to assure that there are no more prisoners of war (POWs) in Southeast Asia and that all remains of those missing in action (MIA) be returned.

At the present time, the number of POW-MIAs is estimated to be 2,500 which include 700 first hand sightings. Eleven of the men on the Defense Intelligence Agency list are sons of the State of Hawaii. Testimony indicated that foreign governments may be withholding the remains of Americans as a bargaining tool with the U.S. to obtain money or concessions.

Your Committee has amended this resolution to specify which members of Congress will receive a certified copy of this resolution. Your Committee also made several technical, nonsubstantive amendments.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 316, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 316, H.D. 1.

Signed by all members of the Committee except Representative Hashimoto.

SCRep. 1234 Judiciary on H.R. No. 236

The purpose of this resolution is to urge the South African government to put an end to apartheid, as well as to the current wave of repression of its Black citizens.

Your Committee feels that the South African policy of apartheid is unconscionable. Although some measures towards equality have been undertaken recently, it is clear that a lot more needs to be done to give blacks equal status in a country where they are the majority. In order to ensure that equality and justice prevail

in South African for blacks, it is necessary for governments to exert pressure to call attention to the gravity of the situation. Your Committee therefore supports this resolution as a means to voicing our support for human rights for all persons in South Africa.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 236 and recommends its adoption.

Signed by all members of the Committee except Representative Hashimoto.

SCRep. 1235 Judiciary on H.R. No. 193 (Majority)

The purpose of this resolution is to request all employers to recognize and adopt the concept of equal pay for work of comparable value to their organizations.

Testimony indicated that there is legal precedence that discrimination in employment practices is illegal. Your Committee recognizes that female workers are a critical component of the State's workforce and that inequities between the pay of men and women doing the same work should be discouraged by all employers.

Your Committee has amended the resolution by adopting an additional resolve clause to request that the Legislative Auditor with the cooperation of an independent consultant conduct a study on the concept of comparable work and report its findings and recommendations prior to the convening of the Regular Session of 1986. Your Committee finds that this issue to be complex and worthy of study by the Auditor.

Furthermore, the measure has been amended by adding that certified copies of this resolution be sent to the Legislative Auditor, the Department of Personnel Services, the University of Hawaii, the Department of Education, the Judiciary, the Department of Labor and Industrial Relations, and the State Affirmative Action Officer.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 193, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 193, H.D. 2.

Signed by all members of the Committee except Representative Hashimoto.
(Representatives Menor, Jones and Liu did not concur.)

SCRep. 1236 Planning, Energy and Environmental Protection on S.C.R. No. 69

The purpose of this concurrent resolution is to urge the extension of the federal energy tax credit for the installation of energy conserving devices.

Your Committee finds that it is a major State goal to reduce Hawaii's dependence on imported petroleum to serve its energy needs. In recent years, resident installations of energy conserving devices allowed for significant reductions in Hawaii's consumption of imported oil. Energy conserving devices such as solar water heating equipment utilize indigenous sources of energy, thereby reducing the owner's utility bills and lessening the State's need for oil. In the past, tax credits for the installation of energy conserving devices have proven to be an excellent incentive toward the installation of such devices. To this end, your Committee fully supports and encourages the extension of the federal tax credit currently available on the installation of energy conserving equipment.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of S.C.R. No. 69, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1237 Planning, Energy and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs on H.R. No. 382

The purpose of this resolution is to encourage the efforts of the County of Hawaii in its planning and sponsorship of a conference to develop a master plan for current and future infrastructure needs of West Hawaii.

Your Committees find that during the recent decade, the area known as West Hawaii has experienced unprecedented rates of urban growth and development. However, along with this increase in growth, there has also been a concurrent increase in the need for public infrastructure. Consequently, the need to formulate reliable plans to fulfill present and future demands for public services and infrastructure in the area has become a critical issue. In this regard, your Committees fully concur with the purpose of the County of Hawaii's upcoming conference seeking to formulate a comprehensive approach to infrastructure development for the area.

Your Committees on Planning, Energy, and Environmental Protection and Water, Land Use, Development, and Hawaiian Affairs concur with the intent and purpose of H.R. No. 382 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1238 Water, Land Use, Development and Hawaiian Affairs on H.R. No.
432

The purpose of this resolution is to request the House Committee on Finance, during the legislative interim of 1985, to study the operations of Foreign-Trade Zone No. 9 and 9A and to investigate other trade zones granted by the United States.

Act 7, Session Laws of Hawaii 1963, provided for the establishment of foreign-trade zones in Hawaii in accordance with federal law. In 1965 Foreign-Trade Zone No. 9 was authorized at Honolulu Harbor, and in 1970 Foreign-Trade Zone No. 9A was authorized in Campbell Industrial Park. Your Committee finds that both zones have provided full-time and private-sector employment for an estimated 390 persons.

Your Committee is of the opinion that the State of Hawaii should encourage the establishment of additional foreign-trade zones, and that this resolution is a step in the right direction.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 432 and recommends its adoption.

Signed by all members of the Committee except Representatives Nakata and Kamali'i.

SCRep. 1239 Water, Land Use, Development and Hawaiian Affairs on H.R. No.
422

The purpose of this resolution is to request the School of Urban and Regional Planning at the University of Hawaii, the Department of Land and Natural Resources, the Department of Hawaiian Home Lands, and the Office of Hawaiian Affairs to continue their efforts in studying the feasibility of setting aside State lands for the purpose of allowing Hawaii's people to practice subsistence lifestyles.

In 1984, H.R. No. 304, H.D. 1, was adopted and authorized various agencies to begin a study to determine the feasibility of setting aside State lands to permit certain residents of Hawaii the opportunity to practice a subsistence lifestyle. Your Committee finds that a progress report of findings of the feasibility study has recommended that more in-depth research on government constraints and flexibilities, which may impact on any proposal to set aside State lands for the practice of subsistence lifestyles, is desirable.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 422 and recommends its adoption.

Signed by all members of the Committee except Representatives Nakata and Kamali'i.

SCRep. 1240 Finance on S.B. No. 319

The purpose of this bill is to make permanent the one-half per cent general excise tax rate on sales of generated electricity to public utility companies for

resale to the public.

Act 103, Session Laws of Hawaii 1981, provides that the gross proceeds from the sale of electric power to a public utility company shall be taxed at the rate assessed producers--one-half of one per cent--until December 31, 1985. Since the Act was passed, the sale of electricity by small energy producers to the utilities has risen from \$14 million per year to an estimated \$20 million in 1984. More than ninety per cent of this electricity was produced from indigenous renewable resources, including bagasse, geothermal, wind, solar, and hydro. A small amount of petroleum is needed to supplement these renewable sources depending on weather and supply factors.

Your Committee finds that it is essential for the State to continue reducing its dependence upon imported petroleum by developing indigenous energy resources. Favorable tax treatment is one way of encouraging new industries and is especially crucial to the energy industry because the federal energy tax credit is scheduled to terminate at the end of 1985, and plentiful oil supplies and lower oil prices, even though temporary, act as disincentives to alternative energy development.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 319 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1241 Judiciary on H.R. No. 193 (Majority)

The purpose of this resolution is to request all employers to recognize and adopt the concept of equal pay for work of comparable value to their organizations.

Your Committee recognizes that female workers are a critical component of the State's workforce and that inequities between the pay of men and women doing the same work should be discouraged by all employers.

Your Committee has amended the resolution by deleting the resolve clause requesting that the Legislative Auditor and an independent consultant to conduct a study on the concept of equal pay for comparable work. Consequently, your Committee has deleted the Legislative Auditor from receiving a certified copy of this resolution.

Your Committee further amended the resolution by deleting the fourth, fifth, sixth, seventh, and ninth whereas clauses and inserted new fifth and sixth whereas clauses. The amendments reflect the concern expressed by the State Commission and County Committees on the status of women concerning the need to review historical patterns of job classifications and wage levels to determine whether unacceptable practices exist.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 193, H.D. 2, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 193, H.D. 3.

Signed by all members of the Committee.
(Representatives Menor and Jones did not concur.)