

**SCRep. 1428 Health and Human Services on H.C.R. No. 188**

The purpose of this concurrent resolution is to direct the House Committee on Health to hold interim hearings on the progress of reform in Hawaii's mental health system.

Your Committees heard testimony in support of this concurrent resolution from the Department of Health, Families and Friends of Schizophrenics, the Mental Health Association in Hawaii, Hawaii Mental Health Consumer Council, and Protection and Advocacy Agency of Hawaii.

Your Committees find that interim review of the efforts being made to improve the mental health system will lead to more public access to information, more public input into the planning, and ultimately more comprehensive and appropriate services to the consumers and their families. Your Committees accepted the recommended amendments to the resolution, including: changing the word "INVESTIGATION" in the title to "REVIEW" to exhibit a more positive connotation to this process; adding "family members and advocates" to the consumers in the "BE IT RESOLVED"; and adding the expansion of Medicaid reimbursements to the list of topics to be explored during the interim review.

Your Committees on Health and Human Services concur with the intent and purpose of H.C.R. No. 188, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 188, H.D. 1.

Signed by all members of the Committees.

**SCRep. 1429 Agriculture on H.C.R. No. 191**

The purpose of this concurrent resolution is to request the Department of Labor and Industrial Relations to determine if any shortages of agricultural workers exists and, if so, to develop ways to solve this problem.

Your Committee received supporting testimony from the Department of Labor and Industrial Relations (DLIR), Hawaii Sugar Planters' Association (HSPA), C. Brewer and Company, and the Hawaii Farm Bureau Federation. The testimony indicated growing concerns by the employers in the agricultural industry, including sugar cane, pineapple, macadamia nut, coffee, guava, and plants and diversified crops about their increasing difficulties in filling agricultural jobs, both in the skilled and unskilled categories. Other testimony concluded that there is in fact a shortage of agricultural workers in Hawaii.

Your Committee finds that with each solution to the problem, there are social and economic implications and concerns, including such issues as upgrading and training of local unemployed and welfare dependents before importing workers from the Mainland or foreign countries.

Therefore, your Committee finds that it is in the public and legislative interests to investigate whether shortages of agricultural workers exist and to learn of the related social and economic implications of the solutions to the problem.

Your Committee concurs with the HSPA's recommendation by amending the concurrent resolution to include the sugar industry in the study and to include the Department of Agriculture (DOA) to participate in the study since DOA is the source of DLIR's agricultural workforce data.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 191, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 191, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1430 Legislative Management on H.C.R. No. 12**

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study to determine the feasibility of offering tax credits to families caring for the elderly who are ill.

The Legislative Reference Bureau (LRB) submitted testimony regarding the concurrent resolution. According to LRB, it conducted a study on a related issue. The study indicated that an estimate of the number of persons likely to take advantage of such a tax credit, as called for in the concurrent resolution, would be highly speculative because of the uncertainties involved. However, the report did recommend a study of tax credits for families caring for the elderly who are ill.

The Executive Office on Aging (EOA) submitted testimony in support of the concurrent resolution. According to EOA, the proposed study could generate valuable information by helping establish the number of persons eligible for such a tax credit.

Your Committee amended the concurrent resolution as follows:

- (1) Deleted the provision that the study include an estimate of persons likely to take advantage of such a tax credit;
- (2) Deleted the provision that required the LRB to include the cost estimates of the envisioned tax credits to the State; and
- (3) Added a provision that requires the LRB to include an estimate of the number of persons eligible for such a tax credit.

Technical, nonsubstantive amendments were also made for purposes of style and clarity.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 12, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 12, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1431            Legislative Management on H.C.R. No. 31**

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study to: (1) determine the roadways whose jurisdictions are in question; (2) recommend the assignment of ownership and responsibilities for these roadways; and (3) determine the necessary funding for the proposed assignment.

The Department of Land and Natural Resources, the Department of Transportation, and the Legislative Reference Bureau submitted testimony in support of this concurrent resolution.

While in support of the measure, the Legislative Reference Bureau testified that the concurrent resolution fails to address the source of the jurisdictional dispute, specifically the inadequacy of the statutory definition of "state road". The Legislative Bureau suggested an amendment to the concurrent resolution emphasizing that the study provide the Legislature with information directed toward revising that definition. In this regard, the identification of all roadways under disputed jurisdiction would be a necessary first step in the redefinition process. Once the Legislature agrees on an appropriate definition which is fair to all parties involved, then estimations can be made of any funds necessary to implement the new definition.

Accordingly, your Committee has amended the concurrent resolution as follows:

- (1) Specified that lists and other data provided by appropriate State and county agencies be used to identify roadways for which jurisdiction is in dispute;
- (2) Deleted the provision that the study include a recommendation on how best to assign ownership and responsibility for roadways in question. Instead, substituted a provision that the study incorporate suggested alternatives for settling jurisdictional disputes, including proposed legislation; and
- (3) Deleted the provision that the study include a determination of the funds necessary to effect a solution to the problem.

Technical, nonsubstantive amendments have also been made for purposes of style and clarity.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 31, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 31, H.D. 2.

Signed by all members of the Committee.

**SCRep. 1432            Human Services on H.C.R. No. 115**

The purpose of this concurrent resolution is to urge the Department of Human Services to adopt federal emergency assistance options provided by the federal government for emergency assistance for families.

Your Committee heard testimony from the Department and the Committee on Welfare Concerns. The Department said it could not adopt such provisions in the time frame outlined in the resolution because of budget considerations and the possible need to change state law. The testifiers agreed with the suggestion that the concurrent resolution be amended to request the Department to study and make recommendations for the adoption of the federal options.

Your Committee decided to amend the concurrent resolution asking the Department to study the federal options. Other nonsubstantive amendments were made for the purpose of style and clarity.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 115, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 115, H.D. 1.

Signed by all members of the Committee except Representative Shon.

**SCRep. 1433            Human Services on H.C.R. No. 157**

The purpose of this concurrent resolution is to proclaim the decade from 1990 to 2000 as the "Decade of the Child".

Your Committee finds that Hawaii's children are its most precious resource. In this regard, the Legislature has demonstrated its consistent support for the many initiatives presently under consideration promoting Hawaii's families and children. Your Committee finds that public as well as private family service agencies have expressed their full support for the efforts of the Legislature on behalf of Hawaii's children.

This concurrent resolution affirms the State's commitment toward Hawaii's children by dedicating the decade from 1990 to 2000 in the name of Hawaii's children.

Your Committee has amended this bill to correct a technical error; no substantive changes were made.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 157, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 157, H.D. 1.

Signed by all members of the Committee except Representative Hayes.

**SCRep. 1434            Water and Land Use on H.C.R. No. 67**

The purpose of this concurrent resolution is to commend and fully support Kauai County's efforts to enhance public safety along shoreline recreation areas.

Your Committee finds that a disproportionate number of drownings in our State occurs off Kauai's beaches. A primary cause has been the public's failure to recognize hazardous conditions and practices. The proposed Kauai Water Safety Signage Beach Warning Program addresses this problem with the posting of effective signs warning against hazardous conditions.

Your Committee finds that the Department of Land and Natural Resources supports this concurrent resolution and has included in its biennium budget a funding request for a comprehensive analysis and overhaul of our sign system. This important undertaking will continue to receive involvement from the Attorney General's office.

Your Committee has amended this concurrent resolution by deleting paragraph seven, because it is unclear whether the State is ultimately responsible to ensure water safety along areas seaward of the shoreline.

Your Committee has also amended this concurrent resolution by requiring that the Department of Land and Natural Resources report to the Legislature at least 20 days before the convening of the Regular Session of 1990 on the progress made regarding its support of the efforts made by the county of Kauai to establish a water safety signage beach warning program.

Your Committee has also made technical, nonsubstantive amendments to this concurrent resolution for the purposes of style and clarity.

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

Signed by all members of the Committee.

**SCRep. 1435            Water and Land Use on H.C.R. No. 168**

The purpose of this concurrent resolution is to request Hawaii's congressional delegation to introduce an amendment to public law 100-180, §2332, to give the State of Hawaii priority in negotiating the acquisition of land at the Kapalama Military reservation.

Although 98% of Hawaii's imported goods arrives through Honolulu Harbor, fast land areas for maritime use and expansion are extremely limited. The Kapalama properties represent the last large, contiguous area available for waterfront-industrial uses in the vicinity.

Your Committee finds that the U.S. Army has already sold 14 acres of Kapalama Military Reservation to a private buyer and, pursuant to Public Law 100-180, §2332, intends to sell approximately 44 additional acres at public auction. The idea of an auction at a time when the State has identified the great need for the property is not good public policy.

Your Committee has amended this concurrent resolution by replacing "the approximately 44 acres of land at" with "Phase IIB, Phase IIC, and Phase III of" to clearly identify these lands.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 168, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 168, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1436            Education on H.C.R. No. 133**

The purpose of this concurrent resolution is to urge the Department of Education to construct a new library at Iroquois Point Elementary School.

The Department of Education, the Iroquois Point Elementary School Parent Teacher Association, and the Iroquois Point Elementary School Librarian testified in favor of this measure.

Your Committee finds that the Department of Education has not yet developed a master plan for Iroquois Point Elementary School. Your Committee believes that a master plan should be developed for the school and that priorities should be developed including those for an adequate library facility.

The title and the body of this measure have been amended accordingly.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 133, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 133, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1437            Education on H.C.R. No. 41**

The purpose of this concurrent resolution is to urge the Board of Education and the Department of Education to commence the implementation of the recommendations of "The Hawaii Plan: Educational Excellence for the Pacific Era."

The Department of Education (Department) testified against this concurrent resolution. The Department indicated that they regard "The Hawaii Plan" as a catalyst, not a blueprint and that consensus has not yet been reached on some elements of the plan, such as governance and early childhood education. The Department testified that they believe that some areas of the plan still demand examination and thoughtful consideration before action is taken.

The Hawaii State Teachers Association also testified against this measure. They expressed the belief that the Department should not be locked into one report, but should also be held accountable for the goals, policy statements, and implementation action plans in the 1988 State Educational Functional Plan.

The Education Task Force of the American Freedom Coalition of Hawaii testified against the recommendation in "The Hawaii Plan" for universal early childhood education.

Your Committee finds that the Berman, Weiler report contains progressive ideas for producing quality education. We commend the Hawaii Business Roundtable for its outstanding contribution to the movement for educational reform in Hawaii's public school system. However, we believe that wholesale implementation of all of the recommendations in this report at this time would be precipitant and unwise. Extensive public discussion, prudent planning, and adequate funding is required before the Department commences implementation of the Berman, Weiler recommendations that are not already addressed in the Goals and Objectives of the Board of Education and the State Educational Functional Plan.

Your Committee has amended the title and the body of this concurrent resolution to delete all language referring to implementation. Instead, we have amended this measure to request that the Board of Education and the Department of Education evaluate "The Hawaii Plan" in conjunction with the Goals and Objectives of the Board of Education and the State Educational Functional Plan, and that the Board of Education hold public hearings to encourage input from principals, teachers, support staff, students, parents, and community members.

Other nonsubstantive amendments were made for the purpose of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 41, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 41, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1438            Education on H.C.R. No. 102**

The purpose of this concurrent resolution is to request that the Department of Education conduct a study of hiring graders to assist teachers.

The Department of Education testified that the hiring of graders to assist teachers is a decision that is best made at the school level, and indicated that a study on this subject at the departmental level would not be appropriate.

The Hawaii State Teachers Association testified in favor of this measure, and suggested that class size in the secondary schools in the area of Language Arts/Writing be lowered in conjunction with the use of discretionary personnel pool funds to implement the intent of this concurrent resolution.

While your Committee agrees with the Department of Education that hiring decisions are best made at the school level, we find that the study called for in this measure could provide useful information to school personnel in making those decisions.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 102 and recommends its adoption.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1439            Education on H.C.R. No. 165**

The purpose of this concurrent resolution is request that the Board of Education consider the adoption of a policy of displaying both the American and Hawaiian flags in every classroom in the public schools.

The Department of Education, the Hawaii State Teachers Association and Neighborhood Board No. 18 testified in favor of this measure. The Department of Education expressed concern regarding the cost implications of providing flags for the six thousand classrooms in the public schools, and questioned whether organizations such as the American Legion could bear the entire cost.

Your Committee has amended this measure by deleting the reference to contributions by private organizations and by adding language requesting that the Board of Education study the cost implications before considering adopting such a policy.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 165, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 165, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1440            Education on H.C.R. No. 18**

The purpose of this concurrent resolution is to request the Department of Education to study the effects of the consolidated approach to alternative learning centers.

The Department of Education testified that the consolidated approach to alternative learning centers is not a new strategy, and has been in practice at alternative learning sites such as Olomana School, Storefront School and the Hilo High-Intermediate Alternative Learning Center for a number of years. The Department of Education also testified that the study requested in this concurrent resolution is not necessary.

However, your Committee believes that there are disadvantages as well as advantages in consolidating alternative learning centers, and that an evaluation of the consolidation being implemented in the Honolulu District at Anuenue School would probably provide the Legislature with information of value in making future budgetary decisions related to this program.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 18, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 18, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Hashimoto and D. Ige.

**SCRep. 1441            Education on H.C.R. No. 282**

The purpose of this concurrent resolution is to request the Department of Education to convene district task forces composed of representatives from concerned student bodies, parents, senior class advisors, and administrators from district high schools, community and business leaders, and school advisory council members to determine specific expenses surrounding school-sponsored high school graduation and social activities in the district, the proportion of students denied participation or unduly burdened by senior high school expenses, and a determination of whether a cap on expenses should be imposed or alternative activities designed in order to guarantee equal opportunity for participation by all students.

Your Committee finds that senior year social events in our public high school impose an untenable economic burden on a significant portion of our population and prohibits access for many students.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 282 and recommends its adoption.

Signed by all members of the Committee except Representatives Arakaki, Bunda, Hashimoto, D. Ige, Lee and Stegmaier.

**SCRep. 1442            Education on H.C.R. No. 120**

The purpose of this concurrent resolution is to request the Waianae-Nanakuli Teacher Retention Task Force to continue its work through the 1989 interim and report its findings and recommendations to the Regular Session of 1990.

The Department of Education, the Hawaii State Teachers Association and the principal of Nanakuli Elementary School testified in favor of this measure.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 120 and recommends its adoption.

Signed by all members of the Committee except Representatives Arakaki, Bunda and D. Ige.

**SCRep. 1443            Education on H.C.R. No. 113**

The purpose of this concurrent resolution is to have the Department of Education convene a meeting of various athletic directors and representatives of officiating organizations to adopt uniform rules and regulations for high school athletics and report its findings and recommendations to the Legislature twenty days before the convening of the Regular Session of 1990.

Problems have occurred during interisland or interstate athletic events because of a lack of standard rules directed from a single authority. Variation of rules and interpretation of rules have caused disputes and disharmony.

Although several athletic representatives testified in favor of this concurrent resolution, the Department of Education indicated that the measure was not necessary because an Athletic Issues Review Committee has already been formed.

Your Committee finds that the development of statewide standards for athletic activities and officiating will improve the interscholastic athletics program. We believe that the Department of Education should ask the Athletic Issues Review Committee to develop standardized rules for athletic activities. This concurrent resolution has been amended accordingly.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 113, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 113, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki, Bunda, Hashimoto, D. Ige, Lee and Stegmaier.

**SCRep. 1444            Education on H.C.R. No. 164**

The purpose of this concurrent resolution is to request that the Department of Taxation provide the Legislature a proposal to exempt the public schools from the general excise tax amounts received from fund raising activities which are of significant benefit to students.

The Department of Education, the Hawaii State Teachers Association, Neighborhood Board No. 18 and the Aliamanu Intermediate School Parent Teacher Organization testified in favor of this measure.

Your Committee finds that the State benefits greatly from school fundraising activities which enhance educational programs and supplement the funds allocated to the Department of Education. We do not believe that tax revenues will be significantly decreased by exempting public school fundraising activities from the general excise tax.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 164 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Apo, Bunda, Hashimoto and D. Ige.

**SCRep. 1445            Education on H.C.R. No. 23**

The purpose of this concurrent resolution is to request that the Superintendent of Education undertake a study concerning the feasibility of restructuring the secondary schools as proposed in the Berman Report.

The Department of Education and the Concerned Women of America testified in favor of this measure. The Hawaii State Teachers Association (HSTA) expressed reservations regarding the intent of this concurrent resolution and its narrow focus. HSTA suggested that the scope of the study be expanded to consider all relevant curriculum proposals which will enhance learning.

Your Committee is aware that the Department of Education will be reviewing the entire curriculum using a task force approach, with representation and input from a range of community and professional sources. Recommendations of progress made by the task force will be reported to the Legislature during the 1990 Regular Session.

Your Committee finds that the report prepared by Berman, Weiler Associates and commissioned by the Hawaii Business Roundtable has stimulated interest in educational reform. We believe that a study of the reorganization of secondary schools should be undertaken in conjunction with the work of the Department's curriculum task force.

Since the Berman report recommends providing specialized training for students to prepare them for transition into the job market, this concurrent resolution has been amended to request that the study be conducted in cooperation with labor and business groups. A reference to testing tenth grade students in core curriculum subjects has been included. This measure has also been amended to request that all relevant curriculum proposals be considered along with the Berman, Weiler recommendations. Your Committee has also made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 23, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 23, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki, Bunda and D. Ige.

**SCRep. 1446            Education on H.C.R. No. 62**

The purpose of this concurrent resolution is to request the Department of Education to study the feasibility of implementing a school-related crime prevention and education program, modeled after the Honolulu Police Department's Crime-Stopper Program, as a way of addressing the multi-million dollar school-related crime problem.

The Department of Education testified against this concurrent resolution, and indicated that several avenues are already available to accomplish the purpose of this measure.

Your Committee finds that crime in the schools is a serious concern of employees of the Department of Education, public school students, and their parents. The title and body of this concurrent resolution have been amended to request the Department of Education to report on the status of crime-prevention programs in the public school.

Your Committee on Education 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 Representatives Arakaki, Bunda and D. Ige.

**SCRep. 1447 Health on H.C.R. No. 394**

The purpose of this concurrent resolution is to request the Department of Health to amend its rules to allow health care facilities to provide for psychological services as a supplemental service to hospital patients, to admit psychologists to membership on their medical staffs, and to permit them clinical or staff privileges.

Your Committee received testimony in support of this resolution from the Department of Health, the Hawaii Psychological Association, and by a number of clinical psychologists. The Department will propose revision of these rules to all facilities to make their own determination on this matter. The Hawaii Psychological Association testified that there would be a number of benefits of the proposed changes to DOH regulations. These include: (1) eliminating impediments that prevent consumers from having their choice of mental health provider in hospital settings, (2) allow psychologists to have privileges similar to other medical staff, and protect hospitals from being penalized for allowing psychologists to practice independently within their scope of their licensure.

The Medical Director of Human Services Program, Chair of the Credentials Committee and Chair of the Department of Psychiatry of Castle Medical Center expressed concern and opposition to this resolution. They expressed concern that psychologists are not trained or experienced to handle complex medical problems of psychiatric patients within an acute hospital setting, that the proposed changes in rules have liability implications, and that psychologists should not admit patients and prescribe medications. The Hawaii Federation of Physicians and Dentists expressed similar concerns.

Your Committee amended the resolution by deleting the word "actively" from the first "BE IT FURTHER RESOLVED" paragraph. This takes into consideration the concern expressed by the Department of Health that the matter of staff participation is a facility-based decision, and that the Department should not "actively encourage health care facilities to admit psychologists to their staffs."

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 394, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 394, H.D. 1.

Signed by all members of the Committee except Representatives Metcalf, Tam and Liu.

**SCRep. 1448 Consumer Protection and Commerce on H.C.R. No. 166**

The purpose of this concurrent resolution is to request toy retailers in Hawaii to voluntarily stop selling replica firearms and realistic toy guns which look like real guns in size, color, and shape.

Your Committee understands that toy manufacturers have increased sales of war toys by seven hundred per cent since 1982 by promoting the use of war toys through the national distribution of violent television cartoon programs developed to promote these toys. Realistic toy guns have been used with increasing frequency in violent crimes, sometimes precipitating the use of real guns and resulting in shootings and death when the toys were mistaken for real weapons. A number of individuals and organizations throughout the country believe that the sale of realistic toy guns and other toys promoting violence encourages aggressive behavior and violence in young children.

Testimony in support of this concurrent resolution was presented by the American Friends Service Committee, the Retail Merchants of Hawaii, the Young Women's Christian Association of Oahu, and Liberty House. It was submitted that because children learn from their play, a society interested in peace cannot allow the influence of war toys to go unchallenged. Your Committee was also informed that the governments of Sweden and Finland have banned war toys.

The Retail Merchants of Hawaii, a one thousand member retail trade association, stated that if this resolution is passed, the association would probably take action on it. The association agreed to advise your Committee of the concurrent resolution's impact.

Your Committee finds that this concurrent resolution is a positive step toward educating retailers and the public of the adverse effects of child's play involving replica firearms and realistic toy guns.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of H.C.R. No. 166 and recommends its adoption.

Signed by all members of the Committee except Representative Metcalf.

**SCRep. 1449 Housing on H.C.R. No. 92**

The purpose of this concurrent resolution is to urge the Department of Business and Economic Development to instruct the Housing Finance and Development Corporation (HFDC) to work with the Advisory Committee for the State Housing Functional Plan to amend the State Housing Functional Plan by defining affordable housing as housing for persons or families whose incomes are identified as seventy-five percent or less of the median income of the county in which the housing is constructed.

HFDC testified against restricting affordable housing to those earning seventy-five of the median income. Such a requirement would entail huge subsidies. Additionally, families earning below eighty percent of the median income have generally been targeted for rental housing programs. The Affordable Housing Alliance testified that while setting the

specific figure of affordability is not necessary now, more study needs to be undertaken to evaluate the concept and definition of "affordability." The Alliance felt that with the term "affordability", as currently used, various income groups are served inequitably.

Your Committee finds that more study is necessary to ensure that all housing need groups are equitably served. Your Committee further finds that should such study find that the definition of "affordable housing" needs to be amended, such amendment be made, thereby encouraging more creative solutions to the crisis in affordable housing.

Your Committee, therefore has amended this concurrent resolution in the following ways:

- 1) The problem of lack of construction of affordable housing for those with lower incomes has been highlighted;
- 2) The connection between the State Housing Functional Plan and the affordable housing requirements of the Land Use Commission has been drawn;
- 3) The concurrent resolution now calls for the HFDC to study the concept of affordability in terms of equitability before amending the State Housing Functional Plan;
- 4) Reference to the Department of Business and Economic Development and the Advisory Committee has been removed;
- 5) Reference to defining affordable housing as housing for those with less than 75 percent of the median income has been removed; and
- 6) For the purposes of style and clarity, technical and nonsubstantive changes have been made.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 92, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 92, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1450 Human Services and Labor and Public Employment on H.C.R. No. 139**

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 those officers.

Your Committees find that the adult corrections officer series is presently priced on the basis that the functions of these positions are primarily custodial in nature. In practice, however, the responsibilities of the adult corrections officers in the department of corrections go far beyond mere custodial care and are more in line with criminal justice law enforcement. Accordingly, the adult corrections officer series should be appropriately recognized and priced in relation to other criminal justice law enforcement positions.

Your Committees have amended the concurrent resolution to clarify the language in the title and the first BE IT RESOLVED clause to request the conference of personnel directors to review and make recommendations on the repricing of the adult corrections officer series. Your Committees have also deleted the word "class" from the term "adult corrections officer class series" in the sixth WHEREAS clause to provide for consistency in the use of the term.

Your Committees on Human Services and Labor and Public Employment concur with the intent and purpose of H.C.R. No. 139, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 139, H.D. 1.

Signed by all members of the Committees.

**SCRep. 1451 Human Services and Intergovernmental Relations and International Affairs on H.C.R. No. 96**

The purpose of the concurrent resolution is to urge the City and County of Honolulu to issue free bus passes to applicants who can show they qualify for Supplemental Security Income.

Your Committees heard testimony on the concurrent resolution from the Commission on the Handicapped, the Kokua Council for Senior Citizens and the Hawaii Centers for Independent Living. These groups strongly supported the concurrent resolution, pointing out that the current city policy does not treat all disabled people equally, and requires a duplication of effort in having handicaps certified by doctors. for free bus passes, when persons qualified for Supplemental Security Income have already been determined disabled.

Your Committees also heard from the City and County of Honolulu that free bus passes are already issued to any disabled person with a Medicare card, as required by federal regulations. Other disabled persons must apply for the pass and if their handicap is not readily observable, or they lack supporting evidence. then the applicant must submit proof of their disability by a physician.

Your Committees decided to amend the concurrent resolution to ask the City and County to use the definition of "disabled" established by the Social Security Administration, for the City and County's policy on free bus passes. The title of the concurrent resolution was amended to reflect that change and now reads:



"URGING THE CITY AND COUNTY OF HONOLULU TO USE THE UNITED STATES SOCIAL SECURITY ADMINISTRATION'S DEFINITION OF "DISABLED" WHEN ISSUING FREE BUS PASSES TO DISABLED INDIVIDUALS."

Your Committees on Human Services and Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 96, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 96, H.D. 1.

Signed by all members of the Committees.

**SCRep. 1452            Human Services and Health on H.C.R. No. 212**

The purpose of this concurrent resolution is to strongly urge the Department of Human Services to recognize registered nurses holding a master's degree in nursing, or a related field, as qualified Medicaid direct health care service providers.

Your Committees received testimony in support of this measure from the Department of Health, the Hawaii Public Health Association, the Hawaii Nurses' Association, and the Kokua Council for Senior Citizens of Hawaii. The Department of Human Services also submitted testimony stating that the Department of Human Services had no objections to the concurrent resolution but noting that it would be better for the Hawaii Nurses' Association or the Legislature to draft the required legislation, instead of the Department of Human Services as this measure now reads.

Suggestions for amendments were also made by the Hawaii Nurses' Association, which would allow all nurses licensed to practice in the State to be qualified Medicaid direct health care service providers since licensure should guarantee competency.

This concurrent resolution has therefore been amended by expanding the eligible category of nurses to those licensed to practice in Hawaii and by requesting that the Department of Human Services assist in preparing the required legislation, instead of actually having the Department draft it.

Your Committees on Human Services and Health concur with the intent and purpose of H.C.R. No. 212, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 212, H.D. 1.

Signed by all members of the Committees.

**SCRep. 1453            Human Services on H.C.R. No. 268**

The purpose of this concurrent resolution is to request a study the feasibility of establishing a youth volunteer program similar to the California Conservation Corps or the Volunteers in Service to America (VISTA) program.

Your Committee is in support of this concurrent resolution but felt it would be more appropriate for the Department of Labor and Industrial Relations to conduct the study.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 268, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 268, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1454            Human Services on H.C.R. No. 149**

The purpose of this concurrent resolution is to request that the Waianae Coast Coalition for Human Services continue the work undertaken pursuant to House Concurrent Resolution No. 183, H.D. 1, Regular Session of 1988, through the existing task force.

Your Committee received testimony from the Department of Human Services, the Department of Health, and the Department of Education in support of this measure.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 149 and recommends its adoption.

Signed by all members of the Committee except Representatives Duldulao, Kawakami and Peters.

**SCRep. 1455            Human Services on H.C.R. No. 180 (Majority)**

The purpose of this concurrent resolution was to request the Department of Corrections to develop rules pertaining to the interstate transfer of prison inmates, including criteria for transfers, provision of advanced notice and an opportunity for a hearing.

Your Committee heard testimony from the Department of Corrections, the Attorney General's Office and two individuals. The Department and Attorney General were opposed to this resolution as it would delay transfers and jeopardize the security and management of the corrections facility. The hearing requirement would allow prisoners to appeal hearing decisions through the courts, adding further delay.

The individuals testified as to the hardship such sudden transfers cause the inmates and their families. It was also pointed out that the high family and friend visitation rates for Hawaii inmates could contribute to their lack of hostility and improve their chances at rehabilitation. Transferred inmates would have no opportunity for family contact.

Your Committee decided to amend the concurrent resolution to take into account the information it received on the procedural difficulties that might result from the adoption of rules for transferring inmates and instead has asked the Department to report to the Legislature on the annual rate of transfers, the possibility that transfer hearings could be exempt from the Administrative Procedure Act and to evaluate the rehabilitating effects of an inmate's visit with family and friends

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 180, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 180, H.D. 1.

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

**SCRep. 1456          Human Services on H.C.R. No. 289**

The purpose of this concurrent resolution is to request a study reviewing the welfare hearings process to see if it meets the requirements of the Hawaii Administrative Procedures Act and due process guarantees, as well as to see if there are methods for improving the fairness and impartiality of the procedure.

Your Committee, after hearing testimony on the concurrent resolution which makes reference to a similar study conducted by the New York Bar Association, decided it would be beneficial to request that the Hawaii Bar Association conduct the study instead of the Legislative Reference Bureau.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 289, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 289, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1457          Human Services on H.C.R. No. 232**

The purpose of this concurrent resolution is to:

- (1) Consider the provisions that other states have made for family support; and
- (2) Devise a state policy on families that will stress the importance of families, state that family support should be the primary goal of the Departments of Health and Human Services, and establish the goal of family bonding through State-sponsored programs.

The Director of State Planning is requested to submit the policy to the Legislature at least twenty days prior to the convening of the next regular session.

Your Committee finds that families form the basic social unit in our society, and that the more that families are able to cope with the demands of today's society, the better off the State will be. Many of Hawaii's families face pressure and stress from economic forces, and while some families are capable of coping with these troubles, other families need resources in order to aid them in helping themselves. Your Committee finds that the formulation of a state policy on families can help these families in need obtain the support necessary to enable them to perform their critical social role.

Your Committee received favorable testimony from the Office of State Planning, the Office of Children and Youth, the Department of Health, the Hawaii Chapter of the National Association of Social Workers, and the Judiciary.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 232 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1458          Human Services on H.C.R. No. 192**

The purpose of this concurrent resolution is to request that the State of Hawaii participate in the resettlement of Amerasian immigrants and their families by cooperating with private nonprofit agencies providing immigrant services.

Your Committee heard testimony from State departments with services to immigrants, private agencies providing services, individuals and representatives of associations; all in support of this resolution.

Your Committee adopted a suggestion raised in the hearing that, rather than request the Governor to establish a committee concerned with Amerasian resettlement, that the Governor participate in the already established Amerasian Resettlement Task Force and name representatives to that group from the different state agencies that will provide services to the immigrants.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 192, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 192, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1459            Education on H.C.R. No. 21**

The purpose of this concurrent resolution is to urge the establishment of new categories of teachers within the teaching force.

The Department of Education testified in favor of this concurrent resolution. The Hawaii State Teachers Association testified that a strong professional teaching force is enhanced not merely by creating new categories of teachers, but through responsible legislative support and funding of programs, working conditions and adequate salaries.

Your Committee finds that the concept of differentiated staffing has the potential to accommodate flexible work schedules and student needs. However, the restructuring of roles and responsibilities will require study to arrive at a practical and effective design for implementation.

This title and the body of this concurrent resolution have been amended to request the Legislative Reference Bureau to evaluate the establishment of new categories of teachers, and to submit its findings to the Legislature twenty days prior to the convening of the Regular Session of 1990.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 21, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 21, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1460            Education on H.C.R. No. 305**

The purpose of this concurrent resolution is to request the Legislative Reference Bureau review options dealing with the creation of an Office of Literacy as contained in goal five of the Literacy Assessment Report.

When the Governor's Council for Literacy was established in 1987 it was placed under the administration of the Office of Children and Youth. This program represents a broad range of participating businesses, government agencies, unions and non-profit literacy and English as a Second Language providers. The Council initiates, promotes and develops interagency literacy projects, Private/public partnerships for literacy, and coordination of literacy services statewide.

The Department of Education and the Governor's Office of Children and Youth testified in favor of this measure.

Your Committee finds that the problem of literacy is a widespread community issue that pervades all ages and segments of our community. We believe that a review of options dealing with the creation of an Office of Literacy as recommended in the Literacy Assessment Report would be a needed step in facilitating leadership and coordination to combat illiteracy.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 305 and recommends its adoption.

Signed by all members of the Committee except Representatives Arakaki, Bunda, Hashimoto, D. Ige, Lee and Stegmaier.

**SCRep. 1461            Education on H.C.R. No. 24**

The purpose of this concurrent resolution is to request the Department of Education in consultation with the Department of Accounting and General Services and the Department of Budget and Finance to develop a prudent and feasible plan for funding all projects contained in Categories 1A and 1B of the CIP Matrix by the year 2000.

The Department of Education, the Department of Accounting and General Services and the Hawaii State Teachers Association testified in favor of this measure.

The Department of Accounting and General Services testified that a six year plan which would include funding the current backlog of categories 1A and 1B projects and the construction of new facilities to meet emerging needs would probably provide more meaningful data than a plan with a longer budgeting horizon. This concurrent resolution has been amended accordingly.

The Department of Education testified that \$800 million, rather than \$650 million, will be required for school facilities over the next decade. This concurrent resolution has been amended to reflect the correct amount.

Your Committee on Education concurs with the intent and purpose H.C.R. No. 24, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 24, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1462            Education on H.C.R. No. 20**

The purpose of this concurrent resolution is to request the Department of Accounting and General Services to develop a systematic program of repair and maintenance for all public libraries in the State.

The Department of Accounting and General Services and the State Librarian testified in favor of this concurrent resolution.

This concurrent resolution has been amended as follows:

- (a) The cost of renovating the Main Branch of the State Library has been changed from \$13 million to \$15 million.
- (b) Added a request that the Department of Accounting and General Services periodically inform the House of Representatives of its progress on developing the plan.
- (c) Eliminated the need to send a certified copy of this concurrent resolution to the Superintendent of Education.
- (d) Nonsubstantive amendments for the purpose of style and clarity.

Your Committee finds that the systematic repair and maintenance program for public school facilities has resulted in improved services to the schools. We believe that such a system will greatly improve the physical condition of our public libraries.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 20, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 20, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Bunda and D. Ige.

**SCRep. 1463            Economic Development and Hawaiian Affairs on H.C.R. No. 299**

The purpose of this concurrent resolution is to request that the Department of Business and Economic Development study the feasibility of establishing general trading companies in Hawaii.

Your Committee finds that the establishment of general trading companies in Hawaii would serve to fulfill Hawaii's goal of becoming a financial center of the Pacific by serving as financial intermediaries for mainland businesses seeking to do business with Asia and smaller Asian businesses wanting to export to the United States.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 299 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1464            Economic Development and Hawaiian Affairs on H.C.R. No. 364**

The purpose of this concurrent resolution is to request that the Governor of the State of Hawaii appoint a Task Force that would address the current health needs of Hawaiians and Native Hawaiians.

This Task Force would be commissioned to investigate the availability of health resources for the Hawaiian community, take inventory of current services and programs now being provided, assess their use and accessibility, analyze the level of coordination between services and programs, identify critical needs and requirements that need to be addressed in the future, and make recommendations on improving accessibility, coordination, and provision of services and programs for currently unmet needs.

Your Committee has adopted the recommendations of the Office of Hawaiian Affairs by making some substantial language corrections and additions. These amendments clarify the number of members to be appointed to this task force and also includes significant Hawaiian organizations who already are involved in providing various kinds of services to Hawaiians and Native Hawaiians. The amendments also make room for other Hawaiian organizations to get involved if they so choose.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 364, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 364, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1465            Economic Development and Hawaiian Affairs on H.C.R. No. 333**

The purpose of this concurrent resolution is to request the High Technology Development Corporation to undertake a study and prepare a report to recommend a state policy regarding rental rates charged to public or quasi-public organizations which serve as tenants of public innovation or incubator centers.

Your Committee received testimony in support of this concurrent resolution from the University of Hawaii, the Pacific International Center for High Technology Development, the Research Corporation of the University of Hawaii, and the High Technology Development Corporation. The High Technology Development Corporation suggested that the study be done by an outside agency.

Your Committee has amended this concurrent resolution by requesting that the study be done by the Office of State Planning. Your Committee has also amended the title and body of the concurrent resolution to request that the study be

expanded to include other state-owned facilities operated by public or quasi-public agencies, such as the state film studio. Other technical, nonsubstantive amendments have been made for purposes of style and clarity.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 333, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 333, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1466 Economic Development and Hawaiian Affairs on H.C.R. No. 285**

The purpose of this concurrent resolution is to request that all individuals and organizations in Hawaii support the "Aloha Sunshine Around the World" project.

This project is part of the "Keiki to Keiki with Aloha" program which seeks to promote world peace through projects encouraging communication between children of the world. The "Aloha Sunshine Around the World" project will invite children throughout the world to send delegations to Hawaii to celebrate Mother's Day with a festival of song and dance to be communicated to the world through various telecommunications technologies.

Your Committee has amended this concurrent resolution to recognize the value of the "Aloha Sunshine Around the World" project and to encourage Hawaii's keikis to participate in the project and other projects of the "Keiki to Keiki with Aloha" program.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 285, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 285, H.D. 1.

Signed by all members of the Committee except Representative Isbell.

**SCRep. 1467 Consumer Protection and Commerce on H.C.R. No. 108**

The purpose of this concurrent resolution is to achieve the investigation of rate reductions for inter-island telephone services.

This concurrent resolution seeks to achieve the following:

- (1) To have Hawaiian Telephone Company ("Hawaiian Tel") consider immediate and substantial rate reductions for inter-island services, comparable to rate levels and rate relationships existing elsewhere in the United States;
- (2) To have the Public Utilities Commission conduct a comprehensive generic rate structure investigation, which will include and examination of the revenue requirement of each discrete category of service;
- (3) To have the favorable consequences of competitive influences existing elsewhere for intra-LATA and inter-LATA services be considered and sought on behalf of Hawaii's user's of toll services; and
- (4) To have copies of the concurrent resolution forwarded to the chairman of the Hawaii Public Utilities Commission, the president of Hawaiian Tel, the director of the Department of Business and Economic Development, and the executive director of the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs.

Testimony in support of this concurrent resolution was presented by the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("DCCA"). DCCA submitted that a rate reduction is in order given declining costs of providing inter-island long distance toll services, and data showing that Hawaiian Tel is earning profits in excess of authorized level of earnings for such services. DCCA supported the rate structure investigation because the last comprehensive generic rate structure investigation commenced about eleven years ago, and was not completed because of major regulatory changes dictated by the Federal Communications Commission and the movement toward more cost-related charges. It submitted that the Public Utilities Commission should have the discretion to inject competitive influences in various telecommunications markets in the State, including inter-island services, on a case-by-case basis, after an investigation.

The Public Utilities Commission ("PUC") stated that it supported a reduction in inter-island rates, if one is warranted and if the economies intended by a rate reduction will be achieved. It advocated that pertinent findings of the report of the Legislative Auditor entitled, "Telecommunications in Hawaii: Policy, Economics, and a Changing Industry", which was conducted pursuant to Act 331, SLH 1988, be confirmed before undertaking an investigation of inter-island rates. The PUC suggested that the scope of the investigation be narrowed.

Hawaii Tel was opposed to the concurrent resolution because they felt the concurrent resolution was based on highly flawed information provided by the Legislative Auditor's study of telecommunications in Hawaii. Hawaiian Tel stated that they had not had a rate increase to inter-island rates since 1984 and the 1984 rate increase was ordered by the PUC as part of an increase awarded from a 1983 general rate case. Since 1984, Hawaii Tel stated that they have steadily reduced inter-island rates in the form of rate reductions and discount plans, an example of which is the frequent caller program introduced last year.

Upon further consideration, your Committee has amended this concurrent resolution by deleting resolve paragraphs (1), (2) and (3), and replacing them with the following:

- (1) That the observations of the Legislative Auditor's report be confirmed with respect to the high level of prices for inter-island telephone services and the reasonableness of the level of earnings; and
- (2) That if the Legislative Auditor's observations are confirmed, then the PUC shall investigate the cost of providing inter-island telephone services and the effect of a rate reduction for such services on the cost of providing other services.

Your Committee would like the PUC to consider opening the inter-island telecommunication services among competitors to promote equitable availability to all the resources of all the islands of the State, accelerate the economic development of the Neighbor Islands, enhance employment opportunities and reduce costs of producing Hawaii's goods and services.

Technical, nonsubstantive amendments have also been made to this concurrent resolution for the purposes of style and clarity.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 108, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 108, H.D. 1.

Signed by all members of the Committee except Representatives Peters and Cavasso.

**SCRep. 1468      Water and Land Use and Intergovernmental Relations and International Affairs on H.C.R. No. 176**

The purpose of this concurrent resolution is to urge the United States Congress to (1) support HR 4335 ("National Biological Diversity Conservation and Environmental Research Act") that proposes to establish a national policy for the conservation of biological diversity and (2) give serious consideration to the establishment of a National Center for Biological Diversity in this State or at least a Regional Center for Tropical Biology that could take advantage of Hawaii's unique climate.

Your Committees received testimony in favor of this concurrent resolution from the Natural Resources Defense Council, Inc. This testimony indicated that besides providing additional funding and a foundation for biodiversity research in Hawaii, the establishment of national policy for the conservation of biological diversity and a center in Hawaii in furtherance of that policy could provide badly needed coordination and information transfer between researchers in both government and private spheres.

Your Committees find that biological diversity is not only valuable as a source of intellectual and scientific knowledge, recreation, and aesthetic pleasure, but that its reduction may have serious consequences for human welfare as untapped resources for research and agricultural, medicinal, and industrial development are irretrievably lost. The loss of biological diversity is a serious problem within this country in general and Hawaii in particular which is ranked number one in the world for its tally of endemic species and where 800 of those endemic species are considered endangered. Your Committees find that the National Biological Diversity Conservation and Environmental Research Act would have an integral effect on the future of Hawaii's large and fragile population of endemic species and could set an example to the rest of the world regarding the importance of biological diversity conservation.

Your Committees on Water and Land Use and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 176 and recommend its adoption.

Signed by all members of the Committees except Representative Tajiri.

**SCRep. 1469      Water and Land Use and Intergovernmental Relations and International Affairs on H.C.R. No. 171**

The purpose of this concurrent resolution is to urge the United States Congress to acquire Palmyra Atoll and transfer ownership of the Atoll to the State of Hawaii.

Your Committees received favorable testimony from the Department of Land and Natural Resources (DLNR) and the Office of Hawaiian Affairs (OHA). DLNR expressed a long standing interest in the Atoll for the expansion of Hawaii's recreational and commercial fisheries. Assessments conducted during the 1950's and 1970's concluded that: Palmyra could offer excellent sport fishing opportunities within the reefs and lagoons; a trolling fishery for pelagic game fish species utilizing small vessels could be profitable; a small live bait fishery for tuna could be developed, although the supplies of baitfish within the lagoons appear to be somewhat limited; and expansion of the State's distant water tuna fishing operations could occur if adequate logistical support provisions are made available. According to OHA, the purchase and return of Palmyra to the State would enable the State to regain part of its original territorial boundaries since Palmyra was among the lands transferred to the United States during Annexation.

Based on DLNR's recommendations, your Committees have amended this concurrent resolution by inserting a phrase in the first BE IT FURTHER RESOLVED clause that urges Congress to include Palmyra as part of the State before it comes under the State's ownership. Your Committees have also corrected a typographical error in the same clause.

Your Committees on Water and Land Use and Intergovernmental Relations and International Affairs are in accord with the intent and purpose of H.C.R. No. 171, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 171, H.D. 1.

Signed by all members of the Committees except Representative Tajiri.

**SCRep. 1470 Finance on H.C.R. No. 66**

The purpose of this concurrent resolution is to request the Department of Budget and Finance to reassess its role and determine how to more effectively lead and coordinate the implementation of Chapter 42, Hawaii Revised Statutes.

Your Committee finds that when the Legislature enacted Chapter 42, its provisions established a formal process for the review of request to private organizations, including qualifying standards for these organizations and procedures for the funding, monitoring, and evaluation of grants, purchase of service agreements, and subsidies.

As outlined in a 1989 Legislative Auditor's report, your Committee finds that although Chapter 42 has alleviated some of the problems regarding funding for private organizations, its provisions have also led to new problems that have impaired its efficiency and effectiveness. Moreover, although there have been attempts to voluntarily examine ways to improve the implementation of Chapter 42, these attempts have proven to be too tenuous in achieving long-term solutions which require broad representation and continuity.

Your Committee recognizes that the Department of Budget and Finance serves a key role as the coordinator for this process in the executive branch. The Department has rulemaking authority to develop procedures and guidelines to assist executive agencies in complying with the Chapter 42 requirements as well as authority to set budget policies for grants, subsidies, and purchases of service.

Accordingly, this concurrent resolution requests that the Department of Budget and Finance reassess its role in the Chapter 42 process and as part of this assessment, undertake the following activities:

- (1) Establish a Chapter 42 advisory committee to improve communication and coordination among agencies involved in implementing the statute;
- (2) Review Chapter 42 rules to possibly eliminate inefficient provisions such as the requirement for a preliminary review of purchase of service requests by the Department;
- (3) Develop clear written guidelines, in coordination with the Attorney General, which distinguishes between grants, subsidies, and purchases of service; and
- (4) Clarify the relationship between Chapter 42 and Chapter 103 with the cooperation of the Department of Accounting and General Services and the Attorney General.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 66 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1471 Health and Human Services on H.C.R. No. 335**

The purpose of this concurrent resolution, as received by your Committees, is to request the Departments of Human Services and Health to review and evaluate health and social needs and services in rural areas.

Your Committees heard testimony in full support of this concurrent resolution from the Department of Health and from Loretta Schuler, a retired public health nurse. The Department recognizes the disadvantage that rural citizens face in accessing out-patient care and follow-up care upon discharge from acute care settings, public health education and prevention, and social services. The Department mentioned the newly formed Tri-Agency Council Task Force, made up of representatives of the Departments of Human Services, Health and Labor. The Tri-Agency Council is implementing a pilot project to offer citizens in certain areas, including Kona, more coordinated services.

Your Committees are amending the concurrent resolution to add a final WHEREAS clause regarding the Tri-Agency Council, and to include the Department of Labor to the Departments of Human Services and Health in the BE IT RESOLVED and BE IT FURTHER RESOLVED sections. The second BE IT FURTHER RESOLVED is amended to add "Family planning services" to the list of services to be specifically reviewed and evaluated in this study, as well as to add technical changes for the purpose of grammar and style.

Your Committees on Health and Human Services concur with the intent and purpose of H.C.R. No. 335, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 335, H.D. 1.

Signed by all members of the Committees except Representatives Chang, Ihara, Leong, Metcalf, Peters and Liu.

**SCRep. 1472 Human Services and Health on H.C.R. No. 397**

The purpose of this concurrent resolution is to urge the Department of Health:

- (1) To amend as rapidly as possible the State medicaid plan, in cooperation with the Department of Human Services and other State agencies, to include the provision of mental health services for mentally ill persons in the State;
- (2) To provide these services in a program and cost-effective manner; and
- (3) To continue to explore and pursue other medicaid program options and waivers to provide mental health services.

Your Committees heard testimony in support of this concurrent resolution from the Department of Health, the Healthcare Association of Hawaii (HAH), and one retired public health nurse. The Department of Human Services expressed concern that, although it has the option to cover targeted case management services pursuant to section 1915(g) of the Social Security Act, it must receive approval from the United States Health Care Financing Administration. The HAH testified that it is the Department of Human Services that is responsible for the State medicaid plan and that the Department of Health's role is to ensure appropriate provision of services by medicaid providers.

Your Committees find that case management and partial care and emergency services are effective and appropriate alternatives to costly institutionalization of mentally ill individuals. These services are not currently reimbursed by the medicaid program. Amendment of the State medicaid plan to include these services will maximize utilization of medicaid reimbursements for several State agencies and allow the mentally ill to be effectively served.

Your Committees on Human Services and Health concur with the intent and purpose of H.C.R. No. 397 and recommend its adoption.

Signed by all members of the Committees except Representatives Amaral, Chang, Duldulao, Ihara, Kawakami, Metcalf and Peters.

**SCRep. 1473            Human Services and Intergovernmental Relations and International Affairs on H.C.R. No. 375**

The purpose of this concurrent resolution is to urge the National Governors Association (NGA) to work towards changing rules and statutes governing the Aid to Families With Dependent Children (AFDC) program.

Your Committees find that the NGA would be an appropriate body to review changes in federal rules that might expand eligibility and increase the assistance given to families in need of support. A part of the review would survey the impact of increased costs of living, and the rules and regulations enforced in the past eight years which may have denied deserving people the opportunity to participate in the AFDC program.

Your Committees amended the concurrent resolution so that copies of the concurrent resolution would be sent to the Secretary of the Department of Health and Human Services and members of Hawaii's congressional delegation.

Your Committees on Human Services and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 375, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 375, H.D. 1.

Signed by all members of the Committees.

**SCRep. 1474            Human Services and Housing on H.C.R. No. 237**

The purpose of this concurrent resolution is to study the State Rent Supplement Program and how it can be improved by reaching a greater number of eligible renters, by expanding eligibility to other groups of people receiving public assistance, and by including a cost of living adjustment to keep pace with rental increases.

Your Committees heard testimony from the Hawaii Housing Authority, and other community groups interested in rental assistance to low income people.

Your Committees decided to amend the concurrent resolution so that the report requested would come from the Hawaii Housing Authority rather than the Legislative Auditor. The concurrent resolution was also amended to ask for costs estimates of including public assistance recipients and problems that could hinder their inclusion in the rent supplement program. The Department of Human Services was asked to assist the Authority.

Your Committees on Human Services and Housing concur with the intent and purpose of H.C.R. No. 237, as amended herein, and recommend that it be adopted.

Signed by all members of the Committees except Representatives Peters and Cavasso.

**SCRep. 1475            Human Services on H.C.R. No. 189**

The purpose of this concurrent resolution is to request the Office of Children and Youth to study the feasibility of establishing a youth recognition program to recognize organizations involved in youth development and youth who have excelled in various endeavors.

Your Committee finds that the many agencies and organizations that are making a concerted effort to provide Hawaii's young people with positive programs and services, as well as the many youths who take extraordinary steps to develop to their best potential, go unnoticed and unrecognized. There is a need to highlight and publicize these significant contributions to and the exceptional achievements of Hawaii's youth.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 189 and recommends its adoption.

Signed by all members of the Committee except Representative Shon.



**SCRep. 1476 Human Services on H.C.R. No. 307**

The purpose of this concurrent resolution was to request a study of the feasibility of establishing a program to assist the acculturation of recent immigrants.

Your Committee heard testimony in support of this measure from a number of community groups providing services to immigrants. They expressed the need for services to young immigrants of school age. Your Committee decided to amend the concurrent resolution to ask that the Office of Community Services in the Department of Labor and Industrial Relations because of their experience in serving immigrant groups.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 307, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 307, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1477 Higher Education and the Arts on H.C.R. No. 227**

The purpose of this concurrent resolution is to request the University of Hawaii to review student academic services on the Manoa campus for the purposes of assessing student needs, identifying strengths and weaknesses, and planning for new functions or new patterns of service delivery.

The University of Hawaii submitted testimony in support of the concurrent resolution, expressing its willingness to undertake a comprehensive survey of students, faculty, and staff to gain a full perspective on this complex and important area.

Your Committee finds that substantial and relevant student services enhances the educational environment and improves the potential for the success of students in their quest for higher learning. Since student needs are not static, periodic review of student services is necessary to maintain relevance.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 227 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1478 Higher Education and the Arts on H.C.R. No. 287**

The purpose of this concurrent resolution is to urge the University of Hawaii to reinstate wrestling as an intercollegiate sport.

Your Committee heard testimony in favor of the concurrent resolution from two private citizens. Testimony from the University of Hawaii Athletic Department was in support of collegiate level sports participation. The University has had a difficult time keeping up with the rising costs of their current intercollegiate sports. To add another intercollegiate sport at this time without additional financial support would be difficult.

Your Committee has received requests from not only wrestling supporters, but from other sports enthusiasts as well, asking the Legislature to encourage the University to expand their sports programs. Your Committee finds that the best way to proceed on this recurring issue is to ask the university to submit a report to the Legislature in two phases. The first phase would study the feasibility of program expansion. The second phase would develop a systemwide athletic master plan addressing club and intercollegiate sports and community college involvement in athletics. The title has been changed to agree with the aforementioned amendments.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 287, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 287, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1479 Higher Education and the Arts on H.C.R. No. 19**

The purpose of this concurrent resolution is to request the State Foundation on Culture and the Arts review Chapter 42, Hawaii Revised Statutes, to determine what provision need to be changed to allow the awarding of fellowships to artists, and to submit proposed legislation that will enable artists to receive these fellowships.

Your Committee heard testimony in support of this concurrent resolution from the State Foundation on Culture and the Arts. Your Committee finds that Chapter 42, Hawaii Revised Statutes, requirements prevent the funding of fellowships for artists.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 19 and recommends its adoption.

Signed by all members of the Committee except Representative Tom.

**SCRep. 1480 Higher Education and the Arts on H.C.R. No. 106**

The purpose of this concurrent resolution is to request the University of Hawaii to dismiss the proposed policy change on student involvement in academic decision making.

Your Committee heard testimony in favor of the concurrent resolution from the Associated Students of the University of Hawaii Lobbying Committee, the Student Bar Association and several university students. The University of Hawaii testified that the proposed policy is only in the initial stage of soliciting comments at this time. They stressed that the proposed policy has not been enacted.

Your Committee finds that the current university policy of student involvement in academic decision making is beneficial to the students and the university. Your Committee recommends that the university not take a step backward but move forward by allowing more student involvement in these decisions. The concurrent resolution has been amended to reflect these sentiments.

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

Signed by all members of the Committee.

**SCRep. 1481 Higher Education and the Arts on H.C.R. No. 251**

The purpose of this concurrent resolution is to request the University of Hawaii to submit a report of its long range plans and organization of programs to increase the enrollment and graduation rates of underrepresented minority students.

Your Committee heard testimony in favor of the concurrent resolution from the University of Hawaii and from a concerned minority student.

Your Committee finds that the University of Hawaii is currently making efforts to increase minority participation through various programs such as Operation Kua'ana and Operation Manong. A report to the Legislature will help to clarify the university's goals and suggest coordinated efforts with the Department of Education, private schools and state affirmative action programs.

Your Committee has made a technical, nonsubstantive amendment.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 251, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 251, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1482 Water and Land Use on H.C.R. No. 95**

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to review all watershed and hydrographic studies that have been conducted to date and to make recommendations regarding their shortfall.

Your Committee received testimony from DLNR that such a review would be undertaken by the Commission on Water Resource Management as a part of its Water Resources Protection Plan which is currently being developed. This undertaking is required by the State Water Code and eventually will be incorporated into the Hawaii Water Plan scheduled for completion on July 1, 1990.

Your Committee also heard testimony from the University of Hawaii Environmental Center, the University of Hawaii Water Resources Research Center, and the Natural Resources Defense Council, Inc. agreeing with the purpose and intent of the concurrent resolution while suggesting non-substantive changes in wording for purposes of consistency.

Instead of awaiting the results of the Hawaii Water Plan which is scheduled to be completed by July 1, 1990, your Committee believes that the findings of the Commission's review of all watershed and hydrologic studies are significant enough to be forwarded to the Legislature as an interim report prior to that date. Accordingly, your Committee has amended the concurrent resolution as follows:

- (1) Replaced references to the Department of Land and Natural Resources with the Commission on Water Resource Management;
- (2) Replaced references to hydrographic with hydrologic;
- (3) Re-phrased the BE IT RESOLVED clause; and
- (4) Made technical, non-substantive changes to the concurrent resolution for the purposes of style and clarity.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 95, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 95, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1483            Water and Land Use on H.C.R. No. 126**

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to prepare a plan for the reimplementation of a forest rangers program to assist DLNR in:

- (1) Managing the State's forest resources;
- (2) Conducting field observations, data gathering, and inspections; and
- (3) Providing informational and educational services to the public.

Your Committee received testimony from DLNR in support of the concurrent resolution. DLNR noted that it had previously considered such a reimplementation plan in 1978, and that such information could be the basis for current recommendations.

Your Committee believes that any plan should be built upon existing information but that the responsibilities and personnel of an agency may change over a ten-year period so that thoughtful updating of earlier reports or plans is necessary.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 126 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1484            Water and Land Use on H.C.R. No. 135**

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to develop an action plan for the protection of historic sites.

Your Committee heard testimony in support of this concurrent resolution from the Office of Hawaii Affairs, provided that it is included among the Hawaiian organizations providing assistance and suggestions to DLNR.

Your Committee also received testimony from DLNR which did not support the concurrent resolution. DLNR noted that an updating of the Historic Preservation Functional Plan is presently underway and that the completed plan will be submitted to the Governor for approval in 1990.

Your Committee, nevertheless, finds that a report on the progress of the planning efforts underway should be provided to the Legislature prior to the Regular Session of 1990 so that funding needs for implementation may be considered.

Your Committee has amended this concurrent resolution by inserting the Office of Hawaiian Affairs in the second BE IT FURTHER RESOLVED clause to ensure that it is a consulted party in the development of the plan.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 135, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 135, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1485            Water and Land Use on H.C.R. No. 89**

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources, in conjunction with the Commission on Water Resource Management, to conduct comparison studies on the cost of transporting water to areas which lack necessary water resources.

Your Committee heard testimony from the Department of Land and Natural Resources that the Water Use and Development Plan, being prepared by each county as a part of the Hawaii Water Plan, will: address the cost of transporting water in areas which lack necessary water resources; inventory water sources; analyze land use policies which impact water use; and assess future water demands. The Department recommended deferral of the concurrent resolution.

Your Committee also heard testimony from the Board of Water Supply of the City and County of Honolulu stressing the importance of flexibility in the development and movement of water supplies.

Your Committee further heard testimony supporting the intent and purpose of this concurrent resolution from the Natural Resources Defense Council, Inc.

Based on the testimony submitted to your Committee, the following amendments have been made to this concurrent resolution:

- (1) The title and a BE IT RESOLVED clause have been re-worded to request interim reports on the progress in the development of the Hawaii Water Plan and the Water Use and Development Plans;
- (2) A new WHEREAS clause describes how the Hawaii Water Plan and its related plans will address the issue of the cost of transporting water;

- (3) A new BE IT FURTHER RESOLVED clause reiterates the fact that the Water Use and Development Plans are to address the cost of transporting water in areas which lack necessary water resources;
- (4) The requested interim reports are to be submitted to the Legislature prior to the convening of the Regular Session of 1990; and
- (5) Technical, nonsubstantive amendments have been made for purposes of style and clarity.

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

Signed by all members of the Committee.

**SCRep. 1486 Water and Land Use on H.C.R. No. 125**

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to conduct a study on the feasibility of transferring management of certain parcels of forested state-owned land from the Division of Land Management to the Division of Forestry and Wildlife.

Your Committee received testimony from DLNR that much of what the concurrent resolution requests is already currently underway. Your Committee also heard testimony from the Natural Resources Defense Council, Inc. in support of the concurrent resolution that suggested non-substantive word changes.

Your Committee finds that a new study is not necessary but that reports to the Legislature on the status of current efforts related to the concurrent resolution is appropriate. Accordingly, your Committee has amended the concurrent resolution by:

- (1) Updating the title of the concurrent resolution and the BE IT RESOLVED clause to reflect DLNR's recent actions with regard to the transfer of state-owned parcels;
- (2) Replacing the first BE IT FURTHER RESOLVED clause with language requesting:
  - (a) A status report, prior to the adjournment of the Regular Session of 1989, on the 22 state-owned parcels being considered for inclusion into the Forest Reserve system;
  - (b) A second report, at least twenty days prior to the convening of the Regular Session of 1990, on subsequent actions taken by DLNR with regard to these 22 parcels; and
  - (c) A list, at least twenty days prior to the convening of the Regular Session of 1990, of encumbered state forest lands whose encumbrances are scheduled to expire prior to 2000;
- (3) Deleting the fifth WHEREAS clause and the second BE IT FURTHER RESOLVED clause;
- (4) Re-wording the last WHEREAS clause based on the testimony presented by DLNR; and
- (5) Making technical, non-substantive amendments to the concurrent resolution for purposes of style and clarity.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 125, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 125, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1487 Agriculture on H.C.R. No. 274**

The purpose of this concurrent resolution is to urge all hotels in the State of Hawaii to promote and serve Kona coffee to further encourage awareness of Hawaii agricultural products.

Your Committee received supporting testimony from the following agencies and companies: the Department of Agriculture, College of Tropical Agriculture and Human Resources, Hawaii Island Economic Development Board, Captain Cook Coffee Company, and Bong Brothers Coffee Company.

The testimony agreed that Kona coffee is unique with excellent aroma and taste and worthy to be served to visiting hotel patrons in all hotels in the State and promoted as a gourmet coffee grown in Hawaii. The testimony also indicated that the hotels should be encouraged to serve an authentic Kona coffee, without dilution, to offer the visitors a unique experience and not destroy the image the Kona coffee industry is trying to promote.

Your Committee also received testimony suggesting that the State establish Kona coffee as the "official coffee" of Aloha Week or other important events in Hawaii.

Your Committee finds that this promotional strategy will enhance the intent of this concurrent resolution to urge Hawaii's hotels to promote and serve Kona coffee.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 274 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1488      Economic Development and Hawaiian Affairs; Legislative Management; Judiciary; and Intergovernmental Relations and International Affairs on H.C.R. No. 365**

The purpose of this concurrent resolution is to request the Department of Budget and Finance to explore integrating the State information network with Federal information services.

Your Committees received testimony in support of this concurrent resolution from the Department of Budget and Finance.

Your Committees on Economic Development and Hawaiian Affairs and Legislative Management and Judiciary and Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 365 and recommend its adoption.

Signed by all members of the Committees except Representatives Alcon, Cachola, Hirayama, Hirono, Horita, Kihano, Kotani, Shon, Souki, Tajiri, Yoshimura, Cavasso, Liu and Marumoto.

**SCRep. 1489      Economic Development and Hawaiian Affairs; Legislative Management; and Judiciary on H.C.R. No. 348**

The purpose of this concurrent resolution is to request a study on the means and cost of making the Legislature more accessible to residents of the neighbor islands.

Your Committees find that many residents of the neighbor islands cannot afford the expense of long distance telephone calls, air fare, and other travel costs and therefore are denied the opportunity to be full participants in the legislative process.

State investments in modern telecommunications and computer technology over the past few years provide a cost effective means of greatly improving the flow of information and public participation.

Your Committees further find that while certain recommendations of the Fair Access Commission such as teleconferencing and interactive television require careful study, the means and methods to provide improved access in other areas are obvious and a study is not needed. Rather, a firm commitment to open government and the active participation of its citizens is needed. Your Committees have amended this concurrent resolution to express this commitment and call for action.

Your Committees received testimony in support of this resolution from neighbor island residents, the American Association of University Women, and GTE Hawaiian Tel.

Your Committees on Economic Development and Hawaiian Affairs and Legislative Management and Judiciary concur with the intent and purpose of H.C.R. No. 348, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 348, H.D. 1.

Signed by all members of the Committees except Representatives Alcon, Andrews, Cachola, Hirono, Honda, Kihano, Shon, Souki, Stegmaier, Yoshimura, Cavasso, Hemmings and Liu.

**SCRep. 1490      Economic Development and Hawaiian Affairs on H.C.R. No. 366**

The purpose of this concurrent resolution is to have the State of Hawaii make a firm commitment to vigorously pursue the development of aerospace ground support facilities by preparing a report identifying the nature, extent, and applications of existing space-based resources and their ground support facilities within the State.

Your Committee received testimony supporting the intent of this measure from the Department of Business and Economic Development, Economic Development Corporation of Honolulu (EDCH), and the Pacific Space Center.

Your Committee has amended this concurrent resolution by stating the Legislature's intent to support the establishment of a ground station in Hawaii.

Your Committee has further amended this resolution by having the Department of Business and Economic Development and the Pacific Space Center jointly prepare a report addressing the potential economic benefits of a ground station.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 366, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 366, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1491      Economic Development and Hawaiian Affairs on H.C.R. No. 200**

The purpose of this concurrent resolution is to request that Congress and the President of the United States provide the necessary funding for the development of infrastructure on Hawaiian home lands as a means of accelerating the distribution of house and farm lots to eligible native Hawaiians.

Your Committee has heard testimony in support of this concurrent resolution from the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and Alu Like.

In 1981, a Federal-State Task Force was convened to review the Hawaiian Home Lands program. It recommended that the state and federal governments should each make matching contributions of \$25 million per year in appropriations or needed services for a period of five years. Your Committee finds that while the United States government retains certain oversight responsibilities for the program, very little has been contributed in funds or services. This year, for the first time, just over \$1 million in federal funds are being made available to the Department of Hawaiian Home Lands. It is evident, however, that much more assistance from the federal government should be made available.

Your Committee has amended the concurrent resolution by broadening its scope to request that the federal government can extend program support by providing federal personnel to assist the department in areas requiring technical expertise. Another means of support is the inclusion of native Hawaiians in other federal assistance programs.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 200, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 200, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1492 Economic Development and Hawaiian Affairs on H.C.R. No. 185**

The purpose of this concurrent resolution is to request the Governor of the State of Hawaii to establish July 31st as Hawaiian Flag Day.

The Hawaiian flag has had a long and colorful history in the Hawaiian Islands dating as far back as the time of Kamehameha the Great. The Flag has been an integral part of island history serving Hawaii as the flag of the Kingdom, then later as the flag of the Republic, the Territory, and now the State of Hawaii.

Your Committee has adopted the recommendations of the Office of Hawaiian Affairs by amending the title of this concurrent resolution and to have the Governor establish July 31 as Hawaiian Flag Day which will be commemorated annually.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 185, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 185, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1493 Housing on H.C.R. No. 353**

The purpose of this concurrent resolution is to request that the Housing Finance and Development Corporation (HFDC) and the Hawaii Housing Authority (HHA) incorporate manufactured housing units in their housing projects.

Your Committee finds that manufactured housing may provide a low-cost alternative to the crisis in affordable housing. Your Committee received testimony from manufactured housing representatives indicating that costs may be significantly lower than stick-built homes before infrastructure and land costs are added on. Your Committee, however, does have concerns that any manufactured housing conform with applicable codes and standards while still priced at a lower cost to the buyer. Your Committee heard testimony indicating that some manufactured houses are now under warranty, and companies bonded.

Your Committee has, therefore, amended this concurrent resolution by:

- 1) Requesting that manufactured housing be incorporated into projects where feasible; and
- 2) Requesting that progress in incorporating manufactured housing be included in HFDC's and HHA's annual and special reports, rather than in a report for the 1990 Regular Session.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 353, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 353, H.D. 1.

Signed by all members of the Committee except Representatives Chang, Duldulao, M. Ige, Kawakami and Liu.

**SCRep. 1494 Housing on H.C.R. No. 354**

The purpose of this concurrent resolution is to request the Housing Finance and Development Corporation to set aside at least ten percent of all future single family developments that it sponsors to be available to owner builder programs, with preference to those programs that assist families earning below 80% of median family income.

Your Committee finds that given the current crisis in affordable housing, self-help housing is a practical and low-cost alternative to providing affordable homes. These homes can be built for far less than those currently being planned for master planned communities. In addition self-help housing programs help develop a sense of community pride and help raise individual self-esteem. Testimony from participants of self-help construction showed that such programs are rewarding for both the participants and the state.

Your Committee has amended this concurrent resolution in the following ways:

- 1) The third Whereas clause, which is technically incorrect, has been deleted;
- 2) This concurrent resolution now requests that ten percent of future single family developments be set aside for owner builder programs where feasible, instead of all future single family developments; and
- 3) HFDC is asked to report on the progress in assigning lands to owner-builder programs in its annual reports to the Governor and the Legislature, rather than in a special report for the 1990 Regular Session.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 354 as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 354, H.D. 1.

Signed by all members of the Committee except Representatives Chang, Kawakami and Liu.

**SCRep. 1495            Housing on H.C.R. No. 350**

The purpose of this concurrent resolution is to request that the Housing Finance and Development Corporation (HFDC) convene a conference among representatives of the building industry to establish a quota with regard to the number of projects that should be awarded to small developers to promote fairness in the bid process.

The Building Industry Association of Hawaii testified that major government-sponsored housing projects in recent years have essentially excluded smaller contractors. Your Committee finds that it is in the best interest of the State and the housing construction industry to promote equity in the allocation of construction project contracts to businesses of all sizes.

Your Committee, after hearing the concerns of the HFDC and the Building Industry Association of Hawaii, has amended this concurrent resolution in the following ways:

- 1) Edited language referring to developers to include, or replace with, language referring to contractors or businesses in general; and
- 2) Requested a goal be set, rather than a quota, of awarding bids to small businesses; and
- 3) Expanded the definition of the small building industry.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 350, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 350, H.D. 1.

Signed by all members of the Committee except Representatives Chang, Duldulao, M. Ige, Ihara, Kawakami and Liu.

**SCRep. 1496            Housing on H.C.R. No. 241**

The purpose of this concurrent resolution is to request the Housing Finance and Development Corporation to prepare a study of innovative approaches to the development of affordable rental housing in Waikiki for the low-income elderly.

Your Committee received testimony in support of this measure from the Waikiki Neighborhood Board No. 9. The Neighborhood Board noted that the economic pressures on the older residents in the rental housing market are fast approaching a crisis situation and has been one of the most pressing issues facing the Neighborhood Board's Housing Committee.

Testimony was also received from the Housing Finance and Development Corporation (Corporation) in support of the intent of this measure but stating that the Corporation had already conducted extensive research on developing such housing in Waikiki and concluded that due to land prices and other factors it would not be economically viable to do so. However, the Corporation stated that requiring developers to set aside at least 10 percent of the units for low-income elderly housing in any projects developed in Waikiki appeared to be a promising solution to the problem, if this requirement was accompanied by substantial government assistance to offset development costs and to subsidize rents. The Corporation further suggested that the concurrent resolution urge the Council of the City and County of Honolulu to pass an ordinance requiring Waikiki developers to provide such housing as a condition of receiving a building permit.

This measure has therefore been amended to request the Council of the City and County of Honolulu to pass such an ordinance. Accordingly, the title of this concurrent resolution has been amended to read, "REQUESTING THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO DEVELOP AFFORDABLE RENTAL HOUSING IN WAIKIKI FOR THE LOW-INCOME ELDERLY," to reflect the revised focus of this measure.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 241, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 241, H.D. 1.

Signed by all members of the Committee except Representatives Chang, Duldulao, M. Ige, Ihara, Kawakami and Liu.

**SCRep. 1497            Housing on H.C.R. No. 271**

The purpose of this concurrent resolution is to request the Housing Finance and Development Corporation (HFDC) continue its exploration of possible solution to the Queen Emma Gardens rent increase problem by assisting the conversion of the Queen Emma Gardens into a housing cooperative, and that HFDC also investigate other alternatives for the tenants at Queen Emma Gardens.

Your Committee finds that the State needs to assist the tenants of Queen Emma Gardens, who have faced sharp rent increases after the death of Robert Black, the former landlord. Tenants enjoyed moderate rents until 1988, many with the promise from Mr. Black that rents would remain low. State assistance could assure that rents remained low. The Housing Finance and Development Corporation testified in support of this resolution, noting that the HFDC is directed to assist in such projects in the State Housing Functional Plan.

Your Committee has amended this concurrent resolution by replacing incorrect references to the federal government with references to the State.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 271, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 271, H.D. 1.

Signed by all members of the Committee except Representatives Chang, Kawakami and Liu.

**SCRep. 1498      Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs on H.C.R. No. 50**

The purpose of this concurrent resolution is to reduce the solid waste stream in our islands by encouraging state and county agencies to adopt policies that will facilitate the purchase of goods and supplies made from recycled materials.

The United States is considered to be the most wasteful country in the world, averaging four to six pounds of solid waste per person per day, whereas two other leading industrialized countries, West Germany and Japan, average only 2.5 lbs of solid waste per person per day.

In Hawaii, solid waste disposal is an ever more critical issue due to the limited quantity of waste our island geography can absorb before negative side affects occur.

Your Committees find that is the responsibility of state and county governments to assist in illustrating the shift from solid waste disposal to resource recovery. Fostering a greater demand for recycled products will help to stimulate the growth of the recycling industry and also educate the public about the availability of products made from recycled materials.

Your Committees on Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 50 and recommend its adoption.

Signed by all members of the Committees except Representatives Say and Marumoto.

**SCRep. 1499      Planning, Energy and Environmental Protection on H.C.R. No. 138**

The purpose of this concurrent resolution, as received by your Committee, is to direct the Department of Health to convene an Air and Water Management Committee to develop an air and water management plan for the State.

Your Committee received testimony from the Environmental Center of the University of Hawaii and the American Lung Association supporting the intent of this concurrent resolution, which is to ensure the quality of the State's air and water resources.

However, based on their recommendations, your Committee has amended this concurrent resolution to request the Department of Health to report on mechanisms to systematically discuss, share, and address information regarding the State's air and water resources with state and county agencies responsible for growth management.

The concurrent resolution has been further amended to provide that this report contain discussion and data on a mechanism for evaluating and managing long-term changes or rates of changes in air or water quality and for linking these changes to population and development plans.

Accordingly, the title of the concurrent resolution has been amended to: "REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE STATE'S AIR AND WATER RESOURCES."

Your Committee finds that many factors affect the quality of the State's air and water quality. The concurrent resolution has also been amended to state that a thorough environmental management plan would be inextricably linked to community growth, economic development, and other land use planning and economic concerns. In addition, other parties, including the Office of State Planning and county agencies involved in planning and land use, will also be involved in the development of this report.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 138, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 138, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and Say.



**SCRep. 1500          Planning, Energy and Environmental Protection on H.C.R. No. 331**

The purpose of this concurrent resolution is to request that the Department of Health prepare a report on alternative wastewater systems to replace cesspools.

Hawaii is one of the few states that still allows the use of cesspools, but there is evidence that several water sources may have been contaminated by wastewater from cesspools. The Department of Health is developing a statewide policy that prohibits the installation of cesspools in any area where water resources may be threatened.

Your Committee finds that this prohibition on cesspool installation may be a financial strain for many homeowners and developers, consequently information on economically feasible alternative systems should be available to the public.

Your Committee further finds that the Department of Health has information on alternative systems and that they should submit a report to the Legislature that contains information on the safety, costs, expenses, and expertise necessary to install alternative systems.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 331 and recommends its adoption.

Signed by all members of the Committee except Representatives Fukunaga, Hiraki and Say.

**SCRep. 1501          Planning, Energy and Environmental Protection on H.C.R. No. 330**

The purpose of this concurrent resolution is to direct the Department of Health to prepare a plan for the resumption of nitrogen dioxide monitoring within the state, including the identification of appropriate funding mechanisms.

Your Committee finds that no routine nitrogen dioxide monitoring has been conducted in the State since 1976 despite the fact that the number of stationary and mobile sources of nitrogen dioxide has continued to increase. Presently, there is virtually no indication of what current nitrogen dioxide levels are, yet the State continues to permit more sources.

Since federal funding for the establishment of new air monitoring sites is non-existent, it is now evident that state funding will likely be necessary to augment the existing air monitoring network. The development of an air monitoring plan with identification of appropriate funding mechanisms will provide the legislature with an objective view of the current and future needs of air monitoring.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 330 and recommends its adoption.

Signed by all members of the Committee except Representatives Fukunaga, Hiraki and Say.

**SCRep. 1502          Water and Land Use on H.C.R. No. 90**

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources, with assistance from the University of Hawaii Water Resources Research Center and the Boards of Water Supply of the four counties to conduct an inventory and compile a report of all existing watersheds.

Your Committee received testimony from the Department of Land and Natural Resources that the Hawaii Water Plan would describe the occurrence of water resources throughout the State and designate discrete hydrologic units for management purposes. Within these hydrologic units, watersheds would be identified, present problems affecting their wise use would be brought forth, and better management practices would be proposed. Accordingly, the Department proposed that the concurrent resolution be deferred.

Your Committee also heard testimony from the University of Hawaii Environmental Center, the University of Hawaii Water Resources Research Center, and the Natural Resources Defense Council, Inc., agreeing with the purpose and intent of the concurrent resolution, noting that the Hawaii Water Plan is in preparation, and recommending non-substantive wording changes.

Upon further consideration, your Committee has amended this concurrent resolution as follows:

- (1) Replaced provisions requesting an inventory of all watersheds with language requesting interim reports on the progress of the Hawaii Water Plan and the Water Resource Protection Plan;
- (2) Deleted reference in the third WHEREAS clause relating to the concept of carrying capacity;
- (3) Deleted the first BE IT FURTHER RESOLVED clause that identified specific tasks to be undertaken as part of the inventory of all watersheds; and
- (4) Made technical, non-substantive amendments for purposes of style and clarity.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 90, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 90, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1503 Water and Land Use on H.C.R. No. 313**

The purpose of this concurrent resolution is to assist the Oahu motor sports community that is faced with the loss of its lease to the Hawaii Raceway Park site by requesting the establishment of a task force to identify a suitable site on Oahu for a motor sports facility.

Your Committee finds that in order to prevent the proliferation of illegitimate racing events that could endanger the safety of drivers, spectators, and innocent victims, some type of racing facility should be provided to our citizens. It should be pointed out that racing facilities are currently provided on the counties of Kauai, Maui, and Hawaii.

Your Committee further finds that, if properly conceived and located, a new motor sports facility might encourage the growth and development of motor sports events in the State, possibly to the level of even attracting national interest and attention to this State.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 313 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1504 Transportation on H.C.R. No. 182**

The purpose of this concurrent resolution is to request the Department of Transportation to study the feasibility of establishing passing lanes on the Kamehameha Highway between Kahaluu and Haleiwa, with emphasis on the stretch between Kahaluu and Kahuku.

Your Committee received testimony in favor of this concurrent resolution from the Department of Transportation.

Your Committee finds that Kamehameha Highway is the major thoroughfare on the windward coast of Oahu, and is a narrow, winding two lane road for most of the distance from Kahaluu to Haleiwa. Your Committee further finds that Kamehameha Highway is heavily travelled by both residents and visitors to Oahu, and there is a need to alleviate traffic congestion on this thoroughfare by creating passing lanes.

Your Committee has amended this concurrent resolution to correct a typographical error.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 182, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 182, H.D. 1.

Signed by all members of the Committee except Representatives Horita, Souki and Marumoto.

**SCRep. 1505 Planning, Energy and Environmental Protection on H.C.R. No. 239**

The purpose of this concurrent resolution, as received by your Committee, is to request a report on the actions taken by the Department of Agriculture (DOA) pesticides deemed to have unreasonable effects on the environment.

Testimony by the DOA indicated that the provisions of Act 131, Session Laws of Hawaii 1985 are being met. Therefore, there is no apparent need for the report called for by this concurrent resolution. However, your Committee finds that an issue of utmost concern to the Legislature is the closing of the Haleakala Highway extension road on Maui. Your Committee wishes to use this concurrent resolution to address the road closure.

The Haleakala Highway extension road presently serves as an alternate route connecting East Maui to Central Maui. Recently, due to the closure of Hana Highway from heavy rains and flooding, the extension road was the only route connecting East Maui to Central Maui. If the road had been closed, as called for in plans developed by the Department of Transportation Airports Division, the two areas of Maui would have been cutoff from each other. In the case of a medical emergency or civil disaster this would place the residents of Maui in great peril, especially in light of the fact that East Maui is reliant on Central Maui for police and hospital services.

Your Committee has amended this concurrent resolution by changing the title to read: "DIRECTING THE DEPARTMENT OF TRANSPORTATION (DOT) NOT TO CLOSE THE HALEAKALA HIGHWAY EXTENSION ROAD UNTIL THE DRAINAGE PROBLEM AT THE DAIRY ROAD INTERSECTION IS SOLVED AND ADEQUATE ALTERNATE ROUTES BETWEEN EAST MAUI AND CENTRAL MAUI ARE DEVELOPED."

This concurrent resolution has been further amended by deleting the substantive provisions contained in the Concurrent Resolution as received and inserting provisions to fulfill the new intent as expressed in its amended title.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 239, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 239, H.D. 1.

Signed by all members of the Committee except Representative Fukunaga.

**SCRep. 1506 Planning, Energy and Environmental Protection on H.C.R. No. 334**

The purpose of this concurrent resolution is to encourage the planting of native trees and other selected tree species in order to promote a comprehensive forestation ethic for the State.

Forest ecosystems represent a valuable resource for the State. In addition to producing oxygen and providing an aesthetic viewshed, vigorous forests are the cornerstone to the sustainability of our watersheds. Well managed forest ecosystems inhibit soil erosion and prevent accelerated run-off. They also provide a critical habitat for endangered birds and other island wildlife. When forests are properly managed, symbiotic relationships may result in harvestable timber, an economic asset.

Your Committee has amended this concurrent resolution by recommending that the Department of Land and Natural Resources (DLNR) and the Department of Business and Economic Development (DBED) meet and work with concerned and interested organizations to discuss the development of environmentally sound forestry practices. Such groups might include representatives from major land holders, ranchers, or forestry organizations.

Your Committee has further amended this concurrent resolution by adding that the result of the meeting between the DLNR, DBED and the other interested parties is to disseminate educational information on current methods of tropical forestry.

Your Committee has further amended this concurrent resolution for purposes of style, consistency and clarity.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 334, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 334, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Fukunaga, Hiraki, Say and Hemmings.

**SCRep. 1507            Judiciary on H.C.R. No. 378**

The purpose of this concurrent resolution, as evidenced by its title, is to reaffirm Hawaii's commitment to language rights.

Your Committee finds that the purpose of this concurrent resolution is supported by Article XV, Section 4, of the Hawaii State Constitution whereby both English and Hawaiian are declared the official languages of the State.

This measure would establish that "English only" is not the policy of this State; and would further establish the Legislature's support of efforts to protect the rights of non-English speakers.

In opposing the "English only" campaign we affirm the principles of democratic and cultural pluralism, and deny tendencies toward xenophobia and intolerance.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, the Hawaii State Teachers Association, the International Longshoremens and Warehousemen's Union, the Oahu Filipino Community Council, Na Loio No Na Kanaka, and Catholic charities.

Your Committee has made a technical, non-substantive amendment to correct a typographical error.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 378, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 378, H.D. 1.

Signed by all members of the Committee except Representatives Andrews, Peters, Takamine, Yoshimura, Anderson and Cavasso.

**SCRep. 1508            Judiciary on H.C.R. No. 194**

The purpose of this concurrent resolution is to request the Lieutenant Governor to convene a temporary advisory committee to consider the feasibility of employing electronic voting in this State.

The concurrent resolution sets forth membership requirements for the committee, whose members serve without compensation. The committee would:

- (1) Evaluate totally electronic voting systems for use by the State;
- (2) Make recommendations regarding the selection of a vendor to supply an electronic voting system; and
- (3) Make recommendations regarding standards for use of a totally electronic voting system.

The findings and recommendations of the committee would be reported to the Legislature by the Lieutenant Governor prior to the convening of the Regular Session of 1990.

Testimony in support of this concurrent resolution was presented by the Office of the Lieutenant Governor, and the Association of Clerks & Election Officers of Hawaii. Your Committee was advised that the computer punch card system, which is the heart of the State's current system, is antiquated and expensive. The currently employed ballot printing process requires considerable lead-time, and lacks flexibility for handling unanticipated contingencies such as the withdrawal of a candidate. Your Committee was informed that electronic voting machines which were used by four precincts in the 1988 primary election, were favorably received by voters surveyed.

Your Committee believes that while the State's present election system is reliable, it is labor intensive and is becoming increasingly expensive in terms of ballot printing and data processing. Each election year, longer delays in the reporting of results are experienced because of the rising numbers of votes being cast. An electronic voting system may dramatically reduce election day worker requirements, and enable results to be reported much more quickly.

Your Committee believes that electronic voting should be explored, as it may improve election administration and reduce costs.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 194 and recommends its adoption.

Signed by all members of the Committee except Representatives Andrews, Peters, Takamine, Yoshimura, Anderson and Cavasso.

**SCRep. 1509            Labor and Public Employment on H.C.R. No. 64**

The purpose of this concurrent resolution is to oppose a final ruling of the United States Department of Housing and Urban Development (HUD) which preempts any prevailing wage rate that is determined under state law and would otherwise be applicable to an employee in any trade employed on a public housing project assisted by HUD under the United States Housing Act of 1937, as amended, whenever the state wage rate exceeds the corresponding federally-determined prevailing wage rate.

The HUD's basis for preempting state prevailing wage laws is that the application of the State law conflicts with the requirements of the United States Housing Act of 1937, as amended, and stands as an obstacle to the execution of the purposes and objectives of the Act by seriously impairing HUD in discharging its statutory responsibility to provide and maintain low income housing.

Before this ruling was issued, State and County construction contracts in excess of \$2,000 which included federal funds were considered covered by both the federal Davis-Bacon Act and Chapter 104, Hawaii Revised Statutes. As a result, the Department of Labor and Industrial Relations enforced the State law on the basis that the contractor must comply with the higher standard. Contracting agencies were required to include both state and federal wage rate schedules in the contract specifications, and the contractor was required to comply with the higher rate.

Currently, the Department of Labor and Industrial Relations is unable to enforce higher state prevailing wage rates on HUD-assisted projects because the final ruling issued by HUD was properly adopted in accordance with statutory guidelines and will in all probability be upheld on any legal challenge.

Your Committee also finds that in practice, some state rates are as much as \$3.50 higher than federal rates for certain categories. If federal prevailing wage rates were in fact reflective of the wage rates already prevailing in the locality, both federal and state wage rates would be identical. Requiring the preemption does not ensure the most effective use of limited budget resources and your Committee urges the United States Department of Housing and Urban Development to reconsider the effect of its ruling.

Your Committee has made technical, nonsubstantive amendments to the concurrent resolution for the purposes of style and clarity.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 64, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 64, H.D. 1.

Signed by all members of the Committee except Representative Souki.

**SCRep. 1510            Labor and Public Employment and Intergovernmental Relations and International Affairs on H.C.R. No. 270**

The purpose of this concurrent resolution is to request the Office of State Planning to assess the current level of government services provided to, and the future level of government services that will be needed by, the residents of the Island of Lanai.

Your Committees find that the Office of State Planning, in 1988, was requested to conduct a feasibility study to determine the need for State satellite offices with implementation contingent upon the results of the study and legislative action.

Your Committees received favorable testimony on this concurrent resolution from the Office of State Planning, Oceanic Properties, and Unit 2301 of the ILWU.

Your Committees have amended this concurrent resolution to request the Office of State Planning to confer with the County of Maui and the Lanai Company to devise a plan for a coordinated approach to providing government service to Lanai residents.

Your Committees have further amended this concurrent resolution to include the Lanai Community Association among the list of recipients of certified copies of this concurrent resolution.

Technical, nonsubstantive amendments have also been made for purposes of style and clarity.

Your Committees on Labor and Public Employment and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 270, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 270, H.D. 1.

Signed by all members of the Committees except Representatives Cachola, Horita, Okamura, Souki and Marumoto.

**SCRep. 1511 Intergovernmental Relations and International Affairs on H.C.R. No. 75**

The purpose of this concurrent resolution is to request a nuclear weapons test ban.

Testimony in favor of requesting a nuclear test ban was overwhelming. They have echoed an increasing outcry among nations urging the United States to respond immediately to the Soviet Union's offer of a mutual and verifiable suspension of testing. Noteworthy among the testimony was personally presented by Reverend William Sloane Coffin, the world renowned figure in Peace, Civil Rights, and nuclear weapon's issues.

As Hawaii is the nation's showcase of a successful multi-ethnic state, it is very fitting that this body urge the President of the United States to take this step towards peaceful coexistence in the world.

Your Committee has amended this concurrent resolution to send additional copies of this resolution to the Speaker of the United States House, the President of the United States Senate, the Chairman of the United States Senate-Arms Services Committee, and the Chairman of the United States House-Arms Services Committee.

Your Committees on Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 75, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 75, H.D. 1.

Signed by all members of the Committees except Representatives Bybee, Horita, Souki, Tajiri, Takamine, Anderson and Marumoto.

**SCRep. 1512 Legislative Management on H.C.R. No. 86**

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study mechanisms through which the State could indefinitely maintain the affordability of State-subsidized housing.

This study would explore ways in which the availability of affordable housing could be maintained. The concurrent resolution specifically requests that the study examine the benefits and disadvantages of these mechanisms to the consumer, the State, and other parties.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 86, H.D. 1 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1513 Legislative Management on H.C.R. No. 40**

In 1986, the Legislature passed Act 340, which stipulated that a portion of the transient accommodation tax revenues be appropriated for grants to the counties to be used in the construction of recreational and other infrastructure to enhance visitor satisfaction.

The purpose of the concurrent resolution is to urge the Legislative Auditor to conduct a review of the formula and use restrictions on transient accommodations tax revenues previously used to allocate funds for infrastructure and tourism-related activities, and construct an equitable formula to be used in allocating revenues from the transient accommodations tax.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 40 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1514 Legislative Management on H.C.R. No. 336**

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a management audit of the Natural Energy Laboratory of Hawaii (NELH) and the Hawaii Ocean Science Technology Park (HOST) and to make recommendations on governance.

S.B. No. 1810, S.D. 2, H.D. 2, proposed to consolidate the management and organization of NELH and HOST's facilities and activities under one administrative authority. However, there was some question as to whether the recommended authority was the best means of ensuring that quality research would be maintained while also improving commercial applications.

Your Committee feels that there are many unanswered questions and concerns regarding the governance of NELH and HOST which should be addressed in a management audit.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 336 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1515            Legislative Management on H.C.R. No. 312 (Majority)**

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study to determine the feasibility of implementing a state-mandated discharge planning system.

Your Committee received testimony in support of this measure from the Department of Health and the Kokua Council for Senior Citizens. Testimony was also received from the Healthcare Association of Hawaii in opposition to this concurrent resolution, noting that a mandatory state discharge planning system would not allow different facilities to respond flexibly to the particular facts of individual cases. The Association also testified that in Massachusetts, where a state-mandated system is used, numerous problems have been encountered. However, should the concurrent resolution be adopted, the Association urged that private sector organizations be consulted in the study.

This measure has therefore been amended by restricting the study to the examination of questions about discharge planning services in Hawaii. This change in emphasis is reflected in the title of the concurrent resolution to: "Requesting a Study to Examine Discharge Planning in the State of Hawaii." Accordingly, all references to a mandatory discharge planning system have been eliminated, together with a suggestion that the Legislative Auditor evaluate the Massachusetts model.

In addition, your Committee has requested that the Legislative Auditor examine options for discharge planning for those patients who will be moving into the long term care service system and to recommend the most promising of these to the Legislature in its report prior to the convening of the Regular Session of 1990. Finally, private sector organizations are required to be consulted in the study.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 312, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 312, H.D. 1.

Signed by all members of the Committee except Representative Apo.  
(Representatives Hemmings and Liu did not concur.)

**SCRep. 1516            Legislative Management on H.C.R. No. 154**

The purpose of this concurrent resolution is to request the Housing Finance and Development Corporation to formulate a fair and just approach toward compensating the residents of the "Kau Hale Aupuni O Kuliouou" subdivision.

Your Committee finds that seventeen homes in the subdivision have been damaged by soil erosion and severe hillside movement. These homes were constructed eight years ago by Kuliouou Valley Associates and Hawaiian Dredging and Construction Company under the auspices of the Hawaii Housing Authority.

Your Committee has amended the concurrent resolution as follows:

- (1) Deleted in the first WHEREAS clause that "bureaucratic red tape and government inaction" have been responsible for a resolution of the problem;
- (2) Added in the second WHEREAS clause that the damaged homes were constructed by Kuliouou Valley Associates and Hawaiian Dredging and Construction Company;
- (3) Deleted in the fourth WHEREAS clause that unsafe conditions resulted from the damages;
- (4) Deleted the fifth and sixth WHEREAS clauses entirely;
- (5) Substituted in the seventh WHEREAS clause reference to "a resolution of the problem" instead of "the outcome of the litigation";
- (6) Added in the BE IT RESOLVED clause that, in addition to the Housing Finance and Development Corporation, the Kuliouou Valley Associates and the Hawaiian Dredging and Construction Company are requested to formulate a fair and just approach to compensation;
- (7) Deleted the third BE IT FURTHER RESOLVED clause entirely;
- (8) Added the provision that copies of the concurrent resolution be transmitted to the chief executive officers of Kuliouou Valley Associates and the Hawaiian Dredging and Construction Company; and
- (9) Revised the title of the concurrent resolution to include Kuliouou Valley Associates and Hawaiian Dredging and Construction Company, in addition to the Housing Finance and Development Corporation, as entities requested to expedite assistance to residents of damaged homes.

Technical, nonsubstantive amendments have been made for purposes of style and clarity.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 154, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 154, H.D. 1.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1517            Legislative Management on H.C.R. No. 109**

The purpose of this concurrent resolution is to direct the Legislative Reference Bureau Computer Systems Office to provide public access to legislators' voting records.

Your Committee has amended this concurrent resolution by deleting the substance and inserting new material, which provides for improved public access to legislative and other governmental information.

Your Committee finds that an informed and active citizenry is the most dynamic force of democracy. Good government provides people with the greatest opportunities to voice their concerns and participate in the decision-making process.

Of the three branches of government, the Legislature relies most heavily on direct public input. It is imperative that the Legislature make a concerted effort to provide timely information to encourage public input in the decision-making process.

As the Legislature prepares to temporarily relocate to less centralized quarters while the State Capitol is closed for asbestos abatement, the exigency of this situation is even more apparent. Immediate action addressing public access and participation issues is urgently needed. Technology and telecommunications are the means by which improved public access and participation in the legislative process will become a reality.

The purpose of this concurrent resolution, as amended, is to encourage greater public access and participation in the legislative process, particularly through efficient, technological means. More specifically, this concurrent resolution requests the House of Representatives and Senate Legislative Management Committees to develop an action plan to improve public access to the legislative process.

To reflect this new purpose, the title of this concurrent resolution has been amended to read: "HOUSE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT OF AN ACTION PLAN TO IMPROVE PUBLIC ACCESS TO THE LEGISLATIVE PROCESS."

During the 1989 Legislative Session, the House of Representatives responded to citizen requests for better methods of public access to the legislative process by providing:

- (1) Access to legislators' voting records by providing, on a daily basis, draft copies of the House Journal for public distribution;
- (2) A pilot Capitol BBS project to make electronic copies of bills, committee reports and hearing notices available to the public on a more timely, cost-efficient basis; and
- (3) Expanded hours of availability for print shop distribution of the House of Representatives' legislative documents.

In several instances, the House of Representatives was able to adopt new solutions in resolving public access issues which relied heavily upon the availability of an automated information network for legislation processing and bill status.

Accordingly, your Committee is convinced that the use of modern technology, telecommunications and creative problem-solving can overcome most of the problems of public access encountered by citizen groups, community organization, lobbyists and others interested in participating in the legislative process.

Your Committee has therefore amended this concurrent resolution to request the House and Senate Legislative Management Committees to address issues of public access to the legislative process in a more comprehensive, integrated manner by:

- (1) Developing an action plan to improve public access to the Legislature for implementation during the 1990 legislative session;
- (2) Soliciting input and recommendations from citizen groups, community organizations, lobbyists, government agencies and others interested in the legislative process; and
- (3) Implementing the action plan for improved public access during the 1990 legislative session, thereby setting in place an improved means of providing maximum public access and participation in time for the Legislature's relocation in 1991.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 109, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 109, H.D. 1.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1518            Legislative Management on H.C.R. No. 98**

The purpose of this concurrent resolution is to direct the Legislative Reference Bureau to study the issue of financing higher education and to recommend specific financial means that would enable more Hawaii students to obtain a higher education in Hawaii or elsewhere.

Your Committee finds that the cost of higher education has been constantly rising in recent years, and with cuts in federal financial aid, more families are having a difficult time sending their children to college. Many states have implemented various college savings programs to help families save for their children's education. Your Committee feels a study would help identify the nature of the problem and recommend the best way for the State to proceed in this area.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 98 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1519                      Legislative Management on H.C.R. No. 99**

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a study of the effectiveness of Hawaii's Occupational Safety and Health Program (OSHA) and to submit a report of the findings and recommendations to the Legislature at least twenty days prior to the convening of the 1990 Regular Session.

Your Committee has changed the scope of this concurrent resolution to provide that the Department of Labor and Industrial Relations and the Office of the Legislative Auditor undertake separate evaluations on the State OSHA program. Accordingly, the title has been amended to read as follows: "HOUSE CONCURRENT RESOLUTION REQUESTING STUDIES TO EVALUATE THE EFFECTIVENESS OF HAWAII'S OCCUPATIONAL HEALTH AND SAFETY PROGRAM."

More specifically, the Department of Labor and Industrial Relations is requested to conduct a study, including but not limited to, an evaluation of:

- (1) DOSH records and recordkeeping procedures (e.g. numbers and types of inspections, penalties, appeals, and reported illnesses and injuries);
- (2) The adequacy of the academic and professional training of DOSH personnel;
- (3) The fairness and consistency of DOSH inspection, citation, and penalty assessment procedures; and
- (4) The nature and frequency of DOSH educational and informational programs for employers, employees, enforcement personnel, and occupational safety and health practitioners and professionals with particular emphasis on the attention given to small businesses.

In addition, the Office of the Legislative Auditor is requested to conduct a study, including but not limited to, an evaluation of:

- (1) The adequacy of the resources and funding available to DOSH for attracting and training personnel, operating research facilities and procedures, and implementing enforcement and educational programs;
- (2) A proposed "Occupational Safety and Health Program Assessment Act" amending Chapter 396, Hawaii Revised Statutes, which would require the Director of Labor and Industrial Relations to annually submit a report on the results of its yearly evaluation of the effectiveness of the Department's Occupational Safety and Health Program to the House and Senate Labor committees;
- (3) A proposed "Occupational Safety and Health Education and Training Act" amending Chapter 396, Hawaii Revised Statutes, which would establish an aggressive comprehensive statewide education and training program, for both employers and employees, addressing all aspects of occupational safety and health;
- (4) Legislation that provides minimal standards of notification, protection, and education for employees about hazardous substances they may be in contact with in the course of their employment;
- (5) The availability of additional federal funds to finance educational and training priorities; and
- (6) The multitude of federal directives, studies, and reports, as well as programs in other states, to determine more effective ways of ensuring safe and healthy workplaces for employees.

Both the Department of Labor and Industrial Relations and the Office of the Legislative Auditor have been requested to report their findings and recommendations to the Legislature at least twenty days prior to the convening of the 1990 Regular Session.

In addition to these two requested reports, the Department of Labor and Industrial Relations is also requested to annually submit a report on the Occupational Safety and Health Program evaluation results, including a departmental position on appropriate recommendations for amending Chapter 396, Hawaii Revised Statutes, or for making other program changes, to the Legislature prior to each Regular Session.

Other technical, nonsubstantive amendments have been made for the purposes of style and clarity.



Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 99, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 99, H.D. 2.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1520            Legislative Management on H.C.R. No. 101**

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a financial and management audit of the Mental Health Division of the Department of Health, to investigate how some of the recently highlighted deficiencies in the Division can best be improved.

Your Committee finds that an audit would be useful as part of the total review of the Department's progress in implementing needed changes, including an improvement in the process of selecting and monitoring purchase of service contracts, and the development of new fiscal mechanisms that provide incentives for center-based community mental health services. The audit would also look into the adequacy of funds for the seriously ill.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 101, H.D. 1 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1521            Intergovernmental Relations and International Affairs and Human Services on H.C.R. No. 140**

The purpose of this concurrent resolution is to urge the United States Congress and the United States Department of State to provide aid to homeless children in the Philippines.

Your Committees find that there is extensive poverty and homelessness among young children in the Philippines, particularly in the cities of Subic Bay and Manila. As a result of their unstable and insecure lifestyle, many are malnourished and uneducated. Even more importantly, they are not instilled with fundamental values and self-esteem which many of us take for granted.

Testimony in support of this measure was submitted by representatives of the Philippine Women and Children Project, Child and Family Service, and the Catholic Diocese of Honolulu.

Your Committees have made several amendments to the measure. All references to "homeless" children were changed to "street" children. Data and references to the Philippine Ministry of Social Services and Development that were not current or verifiable were deleted. Finally, another "BE IT FURTHER RESOLVED" clause was added to indicate that financial aid should be awarded to non-government organizations which have a record of integrity and credibility, in order to ensure that the funds are properly distributed.

Your Committees on Intergovernmental Relations and International Affairs and Human Services concur with the intent and purpose of H.C.R. No. 140, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 140, H.D. 1.

Signed by all members of the Committees except Representatives Duldulao, Metcalf, Cavasso and Liu.

**SCRep. 1522            Transportation and Intergovernmental Relations and International Affairs on H.C.r. No. 220**

The purpose of this concurrent resolution is to show that the State of Hawaii supports the need for the construction of a causeway to Ford Island to help increase the future development potential of Pearl Harbor Naval Base, including the homeport berth for a battleship.

Your Committees received favorable testimony on this concurrent resolution from the Department of Land and Natural Resources, the Department of Business and Economic Development, the Department of the Navy, the Chamber of Commerce Armed Services Committee, and the Chamber of Commerce Military Affairs Council.

Your Committees find that the construction of a causeway between mainside of Pearl Harbor and Ford Island is a cost-effective solution to the access problem.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 220 and recommend its adoption.

Signed by all members of the Committee except Representative Marumoto.

**SCRep. 1523            Judiciary and Intergovernmental Relations and International Affairs on H.C.R. No. 263**

The purpose of this concurrent resolution is to request the Chief Election Officer to form an advisory body to conduct a study to determine the impact on the State of Hawaii should the United States Congress passes the Uniform Poll Closing Act.

Under the proposed federal act, Hawaii along with Alaska would be specifically exempt from its requirements and would have the option to participate in a scheme whereby, polling places may institute hours more compatible to the mainland schedules.

Under this concurrent resolution, the advisory body is to make recommendations as to whether the State of Hawaii should participate in some manner to close polls at a uniform time.

Your Committees received supporting testimony from a representative for the Chief Elections Officer for the State of Hawaii.

Pursuant to further deliberations, your Committees have amended this concurrent resolution so that it expresses support for and urges the congress to pass the "Uniform Poll Closing Act." Moreover, the concurrent resolution has been further amended so as to allow the Chief Election Officer to request that the association of clerks and election officers serve as the advisory body.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 263, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 263, H.D. 1.

Signed by all members of the Committees except Representatives Baker, Cachola, Hayes, Hirayama, Hirono, Okamura, Shon, Souki, Tajiri, Takamine and Cavasso.

**SCRep. 1524 Intergovernmental Relations and International Affairs and Human Services on H.C.R. No. 248**

The purpose of this concurrent resolution is to urge the United States Congress to eliminate the social security penalty against elderly recipients who live with their families.

Caring for elderly parents at home is a traditional and customary practice in Hawaii. It may even be considered a socially beneficial practice for all Americans, and as such its practice should be encouraged rather than penalized by our Social Security laws.

Your Committee received testimony in favor of this issue from Kenneth Uyeda, Chairman, Hawaii State Legislative Committee, American Association of Retired Persons.

Your Committees on Intergovernmental Relations and International Affairs and Human Services concur with the intent and purpose of H.C.R. No. 248 and recommend its adoption.

Signed by all members of the Committees except Representatives Duldulao, Ihara, Souki and Liu.

**SCRep. 1525 Housing and Intergovernmental Relations and International Affairs on H.C.R. No. 221**

The purpose of this concurrent resolution is that the counties of Hawaii, Kauai, and Maui, and the City and County of Honolulu, are requested to express their views, either collectively or individually, as to whether a restriction on the legal seperation and sale of Ohana units is desirable from the counties' viewpoint.

Your Committees find that the sale of ohana units under the condominium property law has led to speculation, contrary to the legislative intent of ohana zoning. Corrective action by the legislature may be warranted, and your Committees find that advice from the counties would be helpful.

Your Committees on Housing and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 221, and recommend its adoption.

Signed by all members of the Committees except Representatives Chang, Horita, Kawakami, Okamura, Souki and Liu.

**SCRep. 1526 Education and Health on H.C.R. No. 284**

The purpose of this concurrent resolution is to request the Department of Health, in consultation with the University of Hawaii, to conduct a survey which, among other things, estimates the number of Hawaii's residents whose primary language is Hawaii creole English (popularly known as "pidgin"), describes their geographic distribution, and identifies their ethnic background. The concurrent resolution calls for this language study because clear communication is necessary for the effective provision of health care and social services, the administration of justice, and the provision of other vital services.

The Department of Health, the University of Hawaii, and two professors at the University of Hawaii testified in support of this concurrent resolution. According to the Department of Health and the University of Hawaii, a survey of the type called for in the concurrent resolution would involve a complex developmental process. However, the information generated would be a useful step toward clearer communication and more effective services with a large sector of the population.

In addition, the University of Hawaii testified that several faculty members in the departments of linguistics and English as a second language have primary scholarly interests in this area and would assist with this effort.

Your Committees are confident that the necessary expertise to conduct the survey exists at the University of Hawaii and other State agencies. Your Committees also urge the Department of Health and the Department of Education to be involved in the survey.

Your Committees on Education and Health concur with the intent and purpose of H.C.R. No. 284 and recommend its adoption.

Signed by all members of the Committees except Representatives Apo, Hashimoto, Honda, D. Ige, M. Ige, Lee, Metcalf, Peters, Cavasso, Hemmings and O'Kieffe.

**SCRep. 1527 Education and Health on H.C.R. No. 128**

The purpose of this concurrent resolution is to request the Department of Education and the Department of Health to conduct a joint study of classroom facilities to determine whether noise control and ventilation are needed for effective classroom instruction. The concurrent resolution also requests these departments to develop criteria for determining in which classrooms these measures are needed.

The Department of Education, the Department of Health, and the Hawaii State Teachers Association submitted testimony in support of this concurrent resolution. The discussion with these agencies which ensued surfaced concerns supplementing those specified in the concurrent resolution.

For example, it was noted that the Department of Education air conditions many of its business offices. However, it does not air condition classrooms in areas where excessive heat is a problem. Business offices and classrooms are treated differently, presenting an inconsistency which should be investigated.

Relatedly, effective landscaping can, in certain cases, mitigate the effects of excessive heat or wind. Trees provide shade and lower the temperature of the surrounding area. Large shrubs can serve to block strong winds. As such, proper landscaping can eliminate or reduce the need for mechanical or other equipment, which can be costly to install and maintain.

While the concurrent resolution focuses on retrofitting existing facilities, it was noted that new facilities need to be designed with a sensitivity to local conditions, and that architects practicing in the area would be most knowledgeable about these conditions. Your Committees are in agreement, and recommend that local architects be consulted in designing school facilities.

Your Committees amended the concurrent resolution as follows:

- (1) Added the provision that the study consider landscaping which can eliminate or mitigate the need for installing mechanical or other devices; and
- (2) Added the provision that the suggestions of principals, teachers, and students be incorporated in the study.

Technical, nonsubstantive amendments were made for purposes of style and clarity.

Your Committees on Education and Health concur with the intent and purpose of H.C.R. No. 128, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 128, H.D. 1.

Signed by all members of the Committees except Representatives Chang, Duldulao, D. Ige, M. Ige, Ihara, Kawakami, Peters and Cavasso.

**SCRep. 1528 Education and Human Services on H.C.R. No. 236**

The purpose of this concurrent resolution is to request the Department of Education to conduct a study to expand the use of public school facilities for child care.

The Department of Education, the Office of Children and Youth, and the Hawaii Academy of Plaintiffs' Attorneys submitted testimony in support of the concurrent resolution. Society has experienced an increase in demand for child care for school-aged children during non-school hours, and school facilities can be made available for that use.

Commenting on the reference in the concurrent resolution to revenues which may be received by the Department of Education from private providers, the Office of Children and Youth testified that the use of public facilities for a public purpose should be free of charge or subject to a very nominal fee if the provider is either a public or private non-profit entity.

On another matter, a concern was raised that, while many principals currently encourage the use of school facilities, others do not. Efforts must be made to encourage those unwilling principals to recognize the need for child care and to respond accordingly. Other efforts must be made to inform potential child care providers of the availability of school facilities for child care.

In consideration of these and other concerns, your Committees have amended the bill as follows:

- (1) Deleted in the fifth "Whereas" clause that the Department of Education would benefit from after-school care by receiving revenue from private providers using school facilities;

- (2) Added a provision requiring the Office of Children and Youth to be consulted by the Department of Education in conducting the study;
- (3) Clarified that child care includes after-school care, before-school care, vacation care, and weekend care; and
- (4) Added a provision requiring the study to include recommendations of ways to urge principals and district administrators to address the need for child care programs and ways to inform providers of child care services about the availability of public school facilities.

Technical, nonsubstantive amendments were also made for purposes of style and clarity.

Your Committees on Education and Human Services concur with the intent and purpose of H.C.R No. 236, as amended herein, and recommend its adoption in the form attached hereto as H.C.R No. 236, H.D. 1.

Signed by all members of the Committees except Representatives Amaral, Apo, Hashimoto, Hayes, Honda, D. Ige, M. Ige, Lee, Metcalf, Peters, Shon, Cavasso, Hemmings and O'Kieffe.

**SCRep. 1529                    Education and Economic Development and Hawaiian Affairs on H.C.R. No. 242**

The purpose of this concurrent resolution is to request the Superintendent of Education to examine funding strategies for replicating successful features of the Hana Kupo project in improving the basic academic skills and higher order thinking skills of intermediate school students.

The Department of Education (DOE) submitted testimony in support of this concurrent resolution. According to the DOE, the Hana Kupo project is designed to promote these skills by incorporating cooperative learning strategies, independent research work by classes, instruction in critical thinking skills, and computer assisted instruction.

Your Committees find that education is the key to Hawaii's future, and that basic academic skills and higher order thinking skills must be learned by today's students if Hawaii is to prosper in tomorrow's high-technology information age.

Your Committees on Education and Economic Development and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 242 and recommend its adoption.

Signed by all members of the Committees except Representatives Andrews, Apo, Bunda, Fukunaga, Hashimoto, Hiraki, Honda, Isbell, Kanoho, Hemmings and O'Kieffe.

**SCRep. 1530                    Intergovernmental Relations and International Affairs on H.C.R. No. 362**

The purpose of this concurrent resolution is to request Congress to cease implementation of the Medicare Catastrophic Expansion Act of 1988 and study its provisions further before resuming the implementation of the Act.

The Medicare Catastrophic Expansion Act was intended to expand the coverage of Medicare to address the most serious need of older people, providing support for those suffering long-term, financially "catastrophic" illnesses. However, the most catastrophic financial concern for most older people, the prospect of paying for long-term nursing home care, was not addressed in the Act. Moreover, the Act requires that the cost of the expanded coverage does provide be born entirely by Medicare members, who are retired people over age 65. The new charges include a fixed annual premium of \$48 per person, and a "means tested" annual premium that varies from \$22.50 to \$800 per person, depending on the person's income.

The Hawaii Chapter of the National Association of Retired Federal Employees testified in support of this concurrent resolution.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 362 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1531                    Intergovernmental Relations and International Affairs on H.C.R. No. 80**

The purpose of this concurrent resolution is to request the United States Department of Defense to consider relocating their bases in Okinawa to other areas.

The Prefectural Government of Okinawa, on two occasions, has requested the Department of Defense to return certain lands currently utilized by the United States military. While some of these requests were acknowledged, there are still other lands which, if returned, might be better utilized to promote the Okinawan economy.

Your Committee finds that this concurrent resolution, as received, may be misinterpreted as requesting the United States Department of Defense to relocate needed bases. It is the intent of your Committee that the Department of Defense be requested to evaluate whether or not the current level of facilities is actually needed for military purposes, and to request the return of unneeded lands for use by the Okinawan government.

Your Committee has amended the title and substance of this concurrent resolution to reflect your Committee's intent.

Testimony in support of this measure was submitted by the American Friends Service Committee, the World Council of Indigenous Peoples, and other members of the general public.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 80, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 80, H.D. 1.

Signed by all members of the Committee except Representative Horita.

**SCRep. 1532 Intergovernmental Relations and International Affairs on H.C.R. No. 389**

The purpose of this concurrent resolution is to request the Department of the Interior to conduct its own investigation of the recovery of homestead land at Lualualei and Keaukaha.

Your Committee finds that the Department of Hawaiian Home Lands has tried and failed to recover certain lands which have been set aside for homesteading by executive order. These lands, particularly those at Lualualei, are currently utilized by the U.S. Navy as an ammunition depot and the Department of Hawaiian Home Lands faces technical and jurisdictional difficulties in trying to recover these lands.

The Department of Hawaiian Home Lands testified in support of this measure.

Your Committee has amended this concurrent resolution in light of recommendations from the Department of Hawaiian Home Lands by deleting certain WHEREAS clauses which were irrelevant or inaccurate.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 389, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 389, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1533 Intergovernmental Relations and International Affairs on H.C.R. No. 216**

The purpose of this concurrent resolution is to request the counties to restructure their property tax system to provide relief to long-time homeowners as well as to discourage speculative investment in residential property.

Speculative real estate purchases by foreigners have led to an increase in real property tax and the current real property tax system exacerbates the problem by penalizing homeowners who are stable, long-term residents in a neighborhood and who have no wish to move. Especially burdened are such homeowners who have fixed or limited household incomes.

Your Committee therefore finds that restructuring of real property tax is necessary in order to correct the imbalance created by the present system, and that this concurrent resolution expresses the Legislature's concern over this issue.

The City and County of Honolulu submitted testimony in support of this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 216 and recommends its adoption.

Signed by all members of the Committee except Representatives Cachola, Hirayama, Horita, Oshiro, Tajiri and Marumoto.

**SCRep. 1534 Intergovernmental Relations and International Affairs on H.C.R. No. 118**

The purpose of this resolution is to request the Governor to report on plans for the activities on the State Information Services, including a timetable for the establishment of satellite offices in other counties and the specific services to the public that will be provided by the satellite offices.

Your Committee received testimony in support of this issue from the Office of the Governor, State of Hawaii.

Your Committee has made technical, non-substantive amendments.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 118, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 118, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1535 Agriculture and Intergovernmental Relations and International Affairs on H.C.R. No. 293**

The purpose of this concurrent resolution is to request the Hawaii County Council to re-examine the county's zoning and subdivision ordinances to: (1) develop a sound system to protect agricultural lands from condominium-style development and ownership, and (2) eliminate the ambiguity in the ordinances which contribute to the misuse and circumvention of the ordinances and the Hawaii Revised Statutes on condominium property regime.

Your Committees received supporting testimony from the Hawaii Island Economic Board and Gallup & Van Pernis, Attorneys at Law. The testimony indicated that there is growing concern on the island of Hawaii about the methodology used for development of agricultural lands for condominium-style developments and ownerships. More specifically, the problem is about the so called "agricultural condominium" developments and the manner in which these developments occur through interplaying and circumventing of the county's zoning and subdivision ordinances, including the ohana zoning provisions, and the State's condominium laws.

Your Committees find that there is nothing inherently wrong with the agricultural condominium concept of developments as long as the intent is not to circumvent the county's land use control laws. A clarification and updating of the county's land use control provisions should allow for the intended purposes of the agricultural condominium concepts and eliminate the abuses.

Your Committees on Agriculture and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 293 and recommend its adoption.

Signed by all members of the Committees except Representatives Tajiri, Yoshimura, Anderson and Marumoto.

**SCRep. 1536                      Transportation on H.C.R. No. 112**

The purpose of this concurrent resolution is to request that the State Department of Transportation commence the reconstruction of the boat ramp in Waimanalo.

Your Committee received testimony in favor of this concurrent resolution from the Department of Transportation.

Your Committee finds that the Department of Transportation would be unable to commence reconstruction of the boat ramp since no funding is available nor has any funding been programmed.

Your Committee has amended this concurrent resolution to request that the department conduct a study on the feasibility of reconstructing the boat ramp at Kaiona Beach Park, Waimanalo, Oahu. Your Committee has further amended this concurrent resolution to request that the Director of Transportation submit a report of the findings and recommendations of the study to the 1990 Legislature. Your Committee has also amended this concurrent resolution by amending its title.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 112, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 112, H.D. 1.

Signed by all members of the Committee except Representatives Horita, Souki and Marumoto.

**SCRep. 1537                      Intergovernmental Relations and International Affairs on H.C.R. No. 379**

The purpose of this concurrent resolution is to recognize the contribution of the Canada-France-Hawaii Telescope, the United Kingdom Infrared Telescope, and the NASA Infrared Telescope in making Hawaii the center of world astronomy, and to support the further expansion of astronomical activities in Hawaii.

Humans have always dreamed of what lies beyond the skies above them. In the last few decades we have finally begun to explore the worlds beyond our world, and it is likely that the level of space-related activities will continue to increase at a rapid pace. The scientists and engineers who have made Hawaii the world center of astronomical activities have given us the gift of exploring our dreams. This concurrent resolution expresses the Legislature's commitment to supporting the continuation and expansion of these activities. Hawaii intends to be a world leader in space-related activities, because these activities offer more than economic benefits. The quality of life of a people is not determined as much by the material goods they command as by the opportunities they have to achieve their dreams. Astronomy, and other space-related activities, offer a path to some of our greatest dreams.

The University of Hawaii Institute for Astronomy testified in support of this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 379 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1538                      Ocean and Marine Resources; Water and Land Use; and Transportation on H.C.R. No. 368**

The purpose of this concurrent resolution is to authorize the Department of Transportation and/or the Department of Land and Natural Resources to dispose of, by lease, certain submerged and tidal lands for the purpose of a cable ship terminal and storage facility.

Your Committees received testimony in support of this concurrent resolution from the Department of Transportation (DOT).

Section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution before DOT and/or the Department of Land and Natural Resources (DLNR) may lease submerged and tidal lands.

Your Committees find that DOT and/or DLNR proposes to dispose of, by lease, approximately 97,000 square feet of submerged and tidal lands for a cable ship terminal and storage facility at Sand Island, Honolulu, Hawaii.

Upon further consideration, your Committees have amended this concurrent resolution to state the length of the lease by adding the phrase "ten year lease period" as agreed upon with the county during the Special Management Area (SMA) process.

Your Committees on Ocean and Marine Resources and Water and Land Use and Transportation concur with the intent and purpose of H.C.R. No. 368, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 368, H.D. 1.

Signed by all members of the Committees except Representatives Cachola, Fukunaga, Hiraki, Hirayama, Horita, Kanoho, Tajiri, Tom, Yoshimura, Hemmings, Marumoto and O'Kieffe.

**SCRep. 1539 Ocean and Marine Resources; Water and Land Use; and Transportation on H.C.R. No. 369**

The purpose of this concurrent resolution is to authorize the Department of Transportation to dispose, by way of a lease, certain government submerged lands for the purpose of a marine fueling facility and other services.

Your Committees received testimony in support of this concurrent resolution from the Department of Transportation (DOT).

Section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution before DOT may lease submerged and tidal lands.

Your Committees find that the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, adopted H.C.R. No. 117 which authorized DOT to dispose of a lease for a marine facility for a term of twenty (20) years. However, the term of twenty (20) years has been considered too short to amortize the required investment and the purpose is also too limited.

Your Committees further find that DOT now proposes to dispose of, by lease for a longer term, 12,466 square feet of submerged and tidal lands for a marine fueling facility, convenience store, laundromat, mooring of vessels, and other approved related marine services at Ala Wai Small Boat Harbor, Honolulu, Hawaii.

Your Committees on Ocean and Marine Resources and Water and Land Use and Transportation concur with the intent and purpose of H.C.R. No. 369 and recommend its adoption.

Signed by all members of the Committees except Representatives Cachola, Fukunaga, Hiraki, Hirayama, Hirono, Horita, Kanoho, Tajiri, Tom, Yoshimura, Hemmings, Marumoto and O'Kieffe.

**SCRep. 1540 Ocean and Marine Resources; Water and Land Use; and Transportation on H.C.R. No. 371**

The purpose of this concurrent resolution is to authorize the Department of Transportation to dispose of, by lease, certain submerged and tidal lands for the purpose of a shipyard and marine-related facility.

Your Committees received testimony in support of this concurrent resolution from the Department of Transportation (DOT).

Section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution before DOT may lease submerged and tidal lands.

Your Committees find that DOT proposes to dispose of, by lease, approximately 110,000 square feet of submerged land and 281,300 square feet of tidal land for a shipyard and marine-related facility at Pier 41, Honolulu Harbor.

Your Committees on Ocean and Marine Resources and Water and Land Use and Transportation concur with the intent and purpose of H.C.R. No. 371 and recommend its adoption.

Signed by all members of the Committees except Representatives Cachola, Fukunaga, Hiraki, Hirayama, Horita, Kanoho, Kotani, Tajiri, Tom, Yoshimura, Hemmings, Marumoto and O'Kieffe.

**SCRep. 1541 Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs on H.C.R. No. 357**

The purpose of this concurrent resolution is to request the Department of Health to consult with the counties to look into the use of innovative sewage treatment systems other than the traditional treatment by chemicals and report to the Legislature at least twenty days prior to the convening of the Regular Session of 1990.

Your Committees received favorable testimony from the Department of Health and Hawaii's Thousand Friends. The Department of Health testified that pursuant to the Clean Water Act of 1977, counties may receive an additional ten percent federal funding for the costs of constructing wastewater treatment facilities if they utilize innovative systems. In addition, counties may receive one hundred percent federal funding for the cost of correcting deficiencies of innovative systems. Furthermore, the counties are required to consider innovative systems during the planning and designing phases to receive federal funding for wastewater treatment works.

Your Committees heard H.R. No. 383, the identical companion measure to this concurrent resolution. Because of the urgency of this matter, testifiers also urged that both the resolution and concurrent resolution be adopted. Since the substantive contents of H.R. No. 838 and H.C.R. No. 357 are identical, your Committees have decided to also recommend the adoption of the concurrent resolution.

In light of the growing sewage disposal problem in the State and the federal monetary incentives available for utilizing innovative systems, your Committees find that this concurrent resolution is both timely and necessary to encourage more efficient and environmentally sound means of disposing Hawaii's wastes.

Your Committees on Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 357 and recommend its adoption.

Signed by all members of the Committees except Representatives Bybee, Fukunaga, Horita, Kotani, Souki, Tajiri and Marumoto.

**SCRep. 1542            Legislative Management on H.C.R. No. 78**

The purpose of this concurrent resolution is to request a management audit of the Forestry and Wildlife Division, Department of Land and Natural Resources, which will be conducted by the Legislative Auditor in cooperation with the Wildlife Management Institute.

Your Committee received testimony in favor of this concurrent resolution from the Conservation Council for Hawaii. The Chairman of the Board of Land and Natural Resources generally concurred with the purpose and intent of the resolution, emphasizing that the Department also plans to undertake its own internal audit with the assistance of the Wildlife Management Institute.

While aware that the Department of Land and Natural Resources ("DLNR") is conducting its own audit, your Committee believes that the Auditor's Report can serve to reinforce and highlight recommendations for additional personnel resources and departmental priorities.

Your Committee on Legislative Management is in accord with the intent and purpose of H.C.R. No. 78 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1543            Judiciary on H.C.R. No. 359**

The purpose of this concurrent resolution is to recognize the rights of victims of crimes against the person and property and to show continued support for these victims by recognizing April 9-15, 1989 as Victims Rights Week.

Your Committee received supporting testimony from the Victim/Witness Kokua Service and from the Department of Corrections, citing the importance of rights for the victims of crime and supports the passage of the resolution.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 359 and recommends its adoption.

Signed by all members of the Committee except Representatives Andrews, Oshiro, Peters, Takamine, Yoshimura, Anderson and Cavasso.

**SCRep. 1544            Judiciary on H.C.R. No. 215**

The purpose of this concurrent resolution is to request the Department of Human Services to establish a committee to review our State's laws concerning child abuse.

Your Committee notes that various chapters in the Hawaii Revised Statutes, such as chapter 321, 346, 350, 571, and 587 were all intended to be parts of a common plan to provide a uniform and concerted system of protection to abused or neglected children. Your Committee finds it is necessary to review all state laws relative to child abuse to ascertain whether they are adequate, inconsistent, or overlapping to each other.

Your Committee received testimony in support of this concurrent resolution from the Director of Human Services, and the Superintendent of Education who concurs with your Committee's efforts to enhance interagency coordination.

In light of the magnitude of the study envisioned in this concurrent resolution, your Committee has amended it so as to afford the Department of Human Services more time to adequately address the issues. As amended, the department will submit a preliminary report twenty days prior to the convening of the 1990 Regular Session, followed by a complete report to be submitted twenty days prior to the convening of the 1991 Regular Session.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 215, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 215, H.D. 2.

Signed by all members of the Committee except Representatives Amaral, Cachola, Hayes, Hiraki, Hirono, Okamura, Shon and Cavasso.



**SCRep. 1545 Intergovernmental Relations and International Affairs on H.C.R. No. 253**

The purpose of this resolution is to urge the City and County of Honolulu to take immediate action to construct the Waialua-Haleiwa wastewater treatment and disposal system.

Your Committee received favorable testimony from Rene Mansho, City Councilperson, Austin Smith, President, Waialua Community Association, and Meryl Andersen, Chair, Neighborhood Board.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 253 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1546 Intergovernmental Relations and International Affairs on H.C.R. No. 254**

The purpose of this concurrent resolution is to request Hawaii's Congressional Delegation to oppose the proposal to allow visas to be granted based on such considerations as education, profession, work experience, and English-Language capability.

Your Committee received testimony in favor of this issue from William Hoshijo, Executive Director of Na Loio No Na Kanaka.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 254 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1547 Intergovernmental Relations and International Affairs on H.C.R. No. 110**

The purpose of this concurrent resolution as received was requesting the United States Congress to prepare and submit a constitutional amendment requiring a balanced federal budget, or to call a constitutional convention to propose such a constitutional amendment.

Your Committee feels that every family has to struggle with balancing its resources and its desires to maintain its financial stability and not leave an intolerable debt burden for its descendants. Therefore, it is important that the government take action to correct this situation and reinstitute the practice of regularly balancing the federal budget on the part of the executive and legislative branches.

Your Committee has amended this concurrent resolution to urge our Federal Leaders to work toward balancing the Federal Deficit and by changing the title to read: "REQUESTING THE UNITED STATES CONGRESS TO WORK TOWARD REDUCING THE FEDERAL DEFICIT".

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 110, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 110, H.D. 1.

Signed by all members of the Committee except Representatives Bybee, Horita, Souki, Tajiri, Takamine, Anderson and Marumoto.

**SCRep. 1548 Intergovernmental Relations and International Affairs and Health on H.C.R. No. 292**

The purpose of this concurrent resolution is to request the Department of Health to apply for Federal matching grants to build state nursing homes for veterans on the Islands of Hawaii, Maui, and Kauai.

Testimony presented at the hearing pointed out that there are over 100,000 veterans residing in this state. This is about 10 percent of our total population, making Hawaii the state with the highest ratio of veterans per capita in the nation. Therefore, your Committees feel that addressing this issue is very important.

Your Committees on Intergovernmental Relations and International Affairs and Health concur with the intent and purpose of H.C.R. No. 292 and recommend its adoption.

Signed by all members of the Committees except Representatives Duldulao, Ihara and Liu.

**SCRep. 1549 Water and Land Use on H.C.R. No. 246**

The purpose of this concurrent resolution is to assist businesses in the Kakaako Community Development District that suffer from decreased business activity as a result of the on-going improvement district construction work. This concurrent resolution requests the Hawaii Community Development Authority (HCDA) to mitigate this problem by implementing off-hour construction of its improvement district projects when it is determined to be economically feasible and not intrusive to nearby residents.

Your Committee received testimony in support of this concurrent resolution from HCDA and the Kakaako Improvement Association. HCDA noted that although it has taken measures to ease the day-to-day problems that the construction activities created for businesses, many of the problems were unavoidable. HCDA also testified that since the Improvement District 2 project is already underway, its report to the Legislature will focus on its efforts to implement off-hour construction for the Improvement District 3 project.

Your Committee has amended this concurrent resolution by inserting the name of HCDA in the BE IT RESOLVED clause and by making technical, non-substantive changes to the last BE IT FURTHER RESOLVED clause.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 246, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 246, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1550            Water and Land Use on H.C.R. No. 303**

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to study the feasibility of developing a state raceway park which can be either operated by the state or leased to a promoter.

The only drag-racing strip and stock-car track on Oahu, Hawaii Raceway Park, has been closed due to a liability insurance coverage dispute between the owners, Campbell Estate, and its leasee. Even if the dispute is to be resolved in the near future, there may not be long-term assurance that continued access to a facility for competitions and events will be available for Hawaii's motor sports enthusiasts.

Your Committee finds that the DLNR, which administers the state park system, would be willing to undertake such a project provided that: (1) sufficient funding is made available by the Legislature for the study; and (2) the scope of the study is limited to the island of Oahu. Therefore, Your Committee has incorporated these concerns as amendments to the concurrent resolution.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 303, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 303, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Hiraki and Hemmings.

**SCRep. 1551            Water and Land Use on H.C.R. No. 39**

The purpose of this concurrent resolution is to authorize the Board of Land and Natural Resources to dispose of said water rights for the purpose of constructing hydro-electric power facilities on the upper Wailua River on Kauai.

Your Committee received supportive testimony from the Department of Land and Natural Resources and the Island Power Company. Testimony not in support of this concurrent resolution was received from the Environmental Center, University of Hawaii and the Office of Hawaiian Affairs..

Your Committee finds that the Upper Wailua Project presents an opportunity to develop a pollution free renewable energy resource. Although testimony stated that the proposed project should not pose significant environmental impacts to the area, concerns were raised in regards to the project's Final Environmental Impact Statement. Specifically, the EIS requirement to discuss the "Summary of Unresolved Issues" was not fulfilled, and foreclosed the opportunity to allow for comprehensive public review.

Accordingly, your Committee has made the following amendments to this concurrent resolution:

(1) Resolved that this concurrent resolution does not impute any implied approval of the decisions that are to be made by the BLNR in acting on the Conservation District Use Application and implied intent to include water rights; and,

(2) Resolved that passage of this concurrent resolution does not mandate approval by the BLNR of the Conservation District Use Application.

(3) Resolved that the BLNR must independently conclude that this project will be economically feasible, environmentally sound, and non-consumptive; that there are to be no adverse effects on the environment, including but not limited to Newell's Shearwater breeding colonies, the native shrimp, opae kalaole, and small-mouth bass populations; and that these environmental concerns also apply to all phases of the project's construction.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 39, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 39, H.D. 1.

Signed by all members of the Committee except Representatives Apo and Hemmings.

**SCRep. 1552            Water and Land Use on H.C.R. No. 276**

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to reassess the 1983 Kawainui Marsh Resource Management Plan in light of the recent findings on the Marsh's reduced ability to serve as an effective flood control basin for the Kawainui Watershed and to have this reassessment take into consideration the

results of the January 1, 1988 flood in Kailua as well as the changes that have occurred to the Marsh since the earthen levee was constructed in 1966.

Your Committee heard testimony from the Department of Land and Natural Resources indicating that the Resource Management Plan for Kawainui Marsh is a conceptual, strategic plan which outlines general goals, objectives, and actions for the marsh and surrounding area. The Resource Management Plan for Kawainui Marsh does not provide detailed land or water use proposals, but merely gives guidelines for the preparation of a comprehensive master plan and specific implementing actions. The Resource Management Plan for Kawainui Marsh mentions flood control only briefly by stating "integrity of the Marsh as a flood control and sedimentation basin must be maintained to the maximum extent feasible to protect Kailua town area from flooding and to maintain the quality of near shore waters. No assumptions are made concerning existing flood control facilities, nor are specific recommendations made for improvements for flood control. Therefore, a reevaluation of the Resource Management Plan for Kawainui Marsh to reflect more accurate flood control measures is inappropriate and not in keeping with the scope of the plan.

Testimony from the Department of Land and Natural Resources further indicated that a preferred alternative to reassessing the Resource Management Plan for Kawainui Marsh is to convene appropriate representatives from the State, County, and Federal agencies concerned with, and knowledgeable in, flood control technology and develop a flood control alternative.

Your Committee, upon further consideration, has made the following amendments to this concurrent resolution:

- (1) Changed the title to reflect that the Department of Land and Natural Resources is requested to assist and cooperate with County and Federal departments, agencies, and authorities to plan and secure improved and greater flood control for Kawainui Marsh;
- (2) Deleted "reassess the 1983 Kawainui Marsh Resource Management Plan" and inserted "assist and cooperate with County and Federal departments, agencies, and authorities to plan and secure improved and greater flood control for Kawainui Marsh" in the BE IT RESOLVED clause;
- (3) Deleted "reassessment" and inserted "assistance and cooperation" in the first BE IT FURTHER RESOLVED clause; and
- (4) Deleted "findings and recommendations of this reassessment" and inserted "actions taken to provide this assistance and cooperation" in the second BE IT FURTHER RESOLVED clause.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 276, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 276, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Bellinger, Hashimoto, Hiraki, D. Ige and Hemmings.

**SCRep. 1553            Water and Land Use on H.C.R. No. 275**

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources, the Department of Education, and the Waikiki Aquarium to jointly develop a plan of action for the selection of the official State fish. The plan of action is to include, but not be limited to: the basic objectives for the selection of the official State fish; the identification of the target audience; recommended programs that can best achieve the desired objectives; a timetable to implement these programs; the estimated cost and manpower requirements to ensure the success of these programs; the identification of possible sources of funding to finance the recommended programs; and a list of the major organizations and/or agencies that should be involved in this undertaking.

Your Committee received supporting testimony from the Waikiki Aquarium.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 275 and recommends its adoption.

Signed by all members of the Committee except Representatives Apo and Hemmings.

**SCRep. 1554            Water and Land Use and Economic Development and Hawaiian Affairs on H.C.R. No. 136**

The purpose of this concurrent resolution is to request the Office of Hawaiian Affairs (OHA) to study ways to improve the management of historic property in the State. According to this concurrent resolution, if the State is committed to properly managing its historic property, it should seriously consider alternative means to fulfill the mandate provided in Chapter 6E, Hawaii Revised Statutes, by requesting the active participation of OHA, given its unique perspective and participation in historical preservation efforts.

Your Committees received testimony from the Department of Land and Natural Resources (DLNR) and OHA. DLNR pointed out the narrow focus of OHA in addressing the needs of native Hawaiians and Hawaiians. For this reason, DLNR recommended that the scope of OHA's study be limited to the management of historic sites directly related to OHA's target population. DLNR further recommended that the due date for the requested study be extended to the Regular Session of 1991, due to the potential passage this session of laws relating to the State's Historic Sites Program that may enlarge and/or complicate the scope of work. OHA strongly supported the concurrent resolution and expressed its willingness to undertake the study with the hope that its own budget would eventually provide sufficient funding for this project.

Upon further consideration, your Committees have amended the concurrent resolution as follows:

The focus of the study has been narrowed to those historical sites that pertain to OHA's clientele, ie. the Hawaiians;

In conducting the study, OHA is to work closely with the Department of Land and Natural Resources; and

A progress report is requested prior to the Regular Session of 1990, and a final report is requested prior to the Regular Session of 1991.

Your Committees on Water and Land Use and Economic Development and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 136, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 136, H.D. 1.

Signed by all members of the Committee except Representatives Apo and Hemmings.

**SCRep. 1555      Water and Land Use and Intergovernmental Relations and International Affairs on H.C.R. No. 259**

The purpose of this concurrent resolution is to request the Governor to set aside to the County of Hawaii, by executive order, State lands at Puuanahulu in West Hawaii for a county shooting range and sanitary landfill.

Your Committees received testimony from a representative of the Schofield Rod and Gun Club and the Wheeler Rod and Gun Club, a representative of the West Hawaii Shooting Club, and a representative of the Department of Parks and Recreation, County of Hawaii, in support of this concurrent resolution.

Your Committees received testimony from the Department of Land and Natural Resources indicating that the Board of Land and Natural Resources at its meeting of July 10, 1987, granted the County of Hawaii a one year right of entry to the Puuanahulu lands for survey, engineering, and design study in connection with the West Hawaii Shooting Range project. The right of entry permit was subsequently extended to June 30, 1989. A similar right of entry permit was given to the County of Hawaii to locate a site within the Puuanahulu lands for sanitary landfill purposes.

Testimony of the Department of Land and Natural Resources further indicated that when the County of Hawaii completed its studies and the boundaries of both the shooting range and the sanitary landfill has been identified, the Department of Land and Natural Resources intends to recommend the set aside of those areas by executive orders. Therefore, the Department of Land and Natural Resources believes this concurrent resolution is not necessary.

Your Committees on Water and Land Use and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 259, and recommends its adoption.

Signed by all members of the Committees except Representatives Hashimoto, Say, Souki, Tajiri, Anderson and Marumoto.

**SCRep. 1556      Water and Land Use and Intergovernmental Relations and International Affairs on H.C.R. No. 196**

The purpose of this concurrent resolution is to request that the appropriate housing and/or land use development agency and the legislative body of the counties of Maui, Kauai, and Hawaii and the City and County of Honolulu require, whenever feasible and appropriate, developers of housing projects of 1000 or more units to construct portable school buildings which can be stored and later sited on school campuses when needed.

Your Committees received testimony from the Department of Education in support of this concurrent resolution. Testimony indicated that the Department of Education has been working with the Office of State Planning in taking an aggressive stance in urging State and county agencies to require those developers, whose developments would generate students which would have a significant impact on our schools, to donate land in their developments for schools.

Your Committees received testimony from the Housing Finance and Development Corporation in support of the concept of this concurrent resolution. Testimony indicated that the Housing Finance and Development Corporation believes that the emphasis should be placed on joint planning with Department of Education officials to ensure timely budgeting for the development of school facilities consistent with the progress of the housing developments.

Your Committees, upon further consideration, have amended this concurrent resolution to request that the appropriate housing and/or land use development agency and the legislative body of the counties of Maui, Kauai, and Hawaii and the City and County of Honolulu require, whenever feasible and appropriate, developers of building projects of 1000 or more units to donate land in their developments for schools and to construct portable school buildings which can be stored and later sited on school campuses when needed.

Your Committees on Water and Land Use and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 196, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 196, H.D. 1.

Signed by all members of the Committees except Representatives Bunda, Hashimoto, Say, Souki, Tajiri, Anderson and Marumoto.

**SCRep. 1557          Planning, Energy and Environmental Protection on H.C.R. No. 205**

The purpose of this concurrent resolution is to request a report on chlorofluorocarbons, halons, and related pertinent information for the State to consider regarding the ozone depletion crisis.

Currently there is growing concern about the detrimental effect that chlorofluorocarbons (CFCS) and halons have on the ozone molecules in our atmosphere. Ozone molecules absorb a certain amount of ultraviolet (U.V.) radiation, and when these molecules are destroyed, the subsequent increase in the percentage of available U.V. radiation can cause irreparable damage to marine zooplankton (which is a primary producer of oxygen for the planet) along with diminishing the productivity of many food crops. In addition, an increase in U.V. radiation has been determined to increase the potential occurrence of skin cancer, and depress the body's immune system.

Your Committee finds that it is essential for the State to address this critical environmental issue by assembling information that assists in the formulation of a mandatory labeling bill, and the possible ban of these substances from the market altogether.

Your Committee has amended this concurrent resolution to facilitate Sea Grant's ability to review the increasing amount of information available, and to co-direct research with organizations that provided testimony expressing interest in the analysis.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 205, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 205, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1558          Intergovernmental Relations and International Affairs on H.C.R. No. 390**

The purpose of this concurrent resolution is to recognize the significance and importance of the Statue of Freedom as a symbol of world peace and freedom, and to urge the restoration and public display of the plaster model of the Statue.

The Statue of Freedom sits atop the Capitol Building in Washington, D.C. It symbolizes "Freedom Triumphant in War and Peace", one of the guiding principles of our country. A plaster model was made of the statue and placed in the Smithsonian Institution in 1890. The model was put into storage in 1967, where it remains. Congress has authorized the Architect of the Capitol to accept donations to finance the restoration and relocation of the Statue in a public location.

Your Committee notes that Hawaii has established as state "symbol" of peace and freedom in its statutory recognition of the "Aloha Spirit".

Representatives of the Freedom of the Cosmos Project testified in support of this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 390 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1559          Intergovernmental Relations and International Affairs and Economic Development and Hawaiian Affairs on H.C.R. No. 226**

The purpose of this concurrent resolution is to urge the Congress of the United States to support the Bryant Bill, H.R. 5., requiring disclosure of information by foreign investors.

The lack of accurate, timely information on the scope and composition of foreign investment in Hawaii has recently led to misperceptions on the part of both the general public and public officials. A comprehensive system for accessing and assimilating foreign investment information is needed to ensure that the public as well as decision-makers make decisions on the basis of sound information.

Your Committees find that the most effective disclosure system would involve legislation and enforcement on the Federal level.

The Department of Business and Economic Development submitted testimony in support of this measure.

Your Committees have amended the title and body of this concurrent resolution to follow H.R. No. 235, which expresses the State's support for federal legislation to establish foreign investment disclosure requirements, such as the Bryant Bill, H.R. 5.

Your Committees on Intergovernmental Relations and International Affairs and Economic Development and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 226, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 226, H.D. 1

Signed by all members of the Committees except Representative Horita.

**SCRep. 1560          Legislative Management on H.C.R. No. 175**

The purpose of this concurrent resolution is to request the Legislative Auditor to study the causes of the social worker shortage among various State agencies including the Departments of Corrections, Education, Health, Human Services, and the Judiciary and to report its findings and recommendations to the 1990 Legislature.

This concurrent resolution also requests the study to include:

- (1) The range of pay scales among the various levels of social workers and among the various departments;
- (2) The procedures and practices for hiring social workers;
- (3) The causes and effect of staff burnout;
- (4) The causes and effect of low personnel morale; and
- (5) Recommendations to improve and alleviate the current social worker shortage and working conditions.

Your Committee believes that current practices employed by various State agencies to alleviate the problem of recruiting and retaining qualified social workers are not effective. The problem of staff shortages must be tackled at its roots beginning with an in-depth study of the causes of the current shortage situation.

The study will also include a review of social worker salaries paid by selected other states and a review of social worker salaries relative to other State government job categories in Hawaii.

This concurrent resolution requests the cooperation of all State and county departments who hire social workers or are concerned with providing social services. Additionally, it asks the School of Social Work and other social work programs at the University of Hawaii to participate in the study and to make recommendations.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 175, H.D. 1 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1561            Legislative Management on H.C.R. No. 130 (Majority)**

The purpose of this concurrent resolution is to request that the Legislative Reference Bureau study the feasibility of developing a State Office of Motor Vehicles.

Your Committee finds that Hawaii is the only state that administers certain motor vehicle safety functions at the county level, often resulting in differing interpretations, administration, and enforcement policies of State laws and rules.

Your Committee further finds that the various duties and responsibilities relating to motor vehicle safety, motor vehicle registration, and driver licensing currently administered by the different counties and the State Department of Transportation may be consolidated under a single state agency to facilitate control, standardize procedures, modes of enforcement, and the implementation of State rules.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 130 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.  
(Representative Hemmings did not concur.)

**SCRep. 1562            Legislative Management on H.C.R. No. 383**

The purpose of this concurrent resolution is to request that the Department of Accounting and General Services conduct a study to increase the availability of public parking in and around the State Capitol Building.

During the 1989 legislative session, your Committee finds that stringent enforcement of parking fees, increasing numbers of individuals parking in the Capitol, especially during legislative deadlines, and fewer public parking stalls made parking an intolerable problem.

To reduce public inconvenience in having to obtain copies of bills and hearing notices from printing facilities located in the State Capitol building, the House of Representatives undertook an electronic bulletin board demonstration project shortly after the bill introduction cut-off. All participants fully endorsed the notion of reducing the amount of incoming traffic through electronics means.

However, such efforts alone will not minimize the need for additional public parking in and around the Capitol complex for participants in the legislative process.

Your Committee has amended the concurrent resolution to incorporate the recommendations of the Department of Accounting and General Services and Common Cause Hawaii.

Your Committee further notes that the 1990 relocation of occupants of the State Capitol Building during asbestos removal is an opportune time for the Legislature and the State administration to plan for optimum public access to the State Capitol, additional parking, and an improved building design which enhances, rather than discourages, public participation in government.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 383, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 383, H.D. 1.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1563                    Legislative Management on H.C.R. No. 337**

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

Since the Department of Business and Economic Development is audited annually by a private accounting firm selected by the Department of Accounting and General Services, the Legislative Auditor will review the effectiveness and appropriateness of private sector contracts entered into by the Department of Business and Economic Development.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 337, H.D. 1 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1564                    Legislative Management on H.C.R. No. 11**

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study to determine the feasibility of offering tax credits to encourage the purchase of long-term care insurance.

The Executive Office on Aging (EOA) testified in support of the concurrent resolution. According to EOA, the study might be expanded to include an investigation of the extent to which long-term care insurance can offset Medicaid costs to the State.

The Legislative Reference Bureau (LRB) submitted testimony regarding this concurrent resolution. According to LRB, it conducted a study in 1987 entitled, "Requesting a Study of Long-Term Care Insurance and the Feasibility of Allowing a Tax Credit for Long-Term Care Insurance Premiums". This study addresses a major assumption made by the concurrent resolution, that the number of persons likely to take advantage of a tax credit for long-term care insurance premiums can be determined. According to the LRB study, any estimate of this kind would be unreliable because too many uncertainties are involved.

In consideration of these and other concerns, your Committee has amended the concurrent resolution as follows:

- (1) Inserted a provision that specifies that the study include an estimate of the number of persons eligible for, rather than those likely to take advantage of, a tax credit for long-term insurance premiums;
- (2) Deleted the provision specifying that the study include an estimate of the cost of providing the envisioned tax credits to the State due to the unreliability of any estimate of the number of people likely to take advantage of a tax credit for long-term care insurance premiums;
- (3) Added a provision that provides for the inclusion of an estimate of the extent to which long-term care insurance can offset Medicaid costs to the State;
- (4) Added a provision that the study include an examination of the concept of earmarking the four percent excise tax on health services to fund institutional and noninstitutional long-term care subsidies, and an analysis of other possible financing arrangements by which to expand long-term care benefits;
- (5) Added a provision that the study include a determination of the services to be included within the scope of institutional care and within the scope of noninstitutional care; and
- (6) Revised the title of the concurrent resolution to encompass the foregoing amendments.

Your Committee on Legislative Management is in accord with the intent and purpose of H.C.R. No. 11, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 11, H.D. 1.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1565                    Legislative Management on H.C.R. No. 310**

The purpose of this resolution is to request a study by the Legislative Reference Bureau of the level of pension and other employment benefits lost by individuals who choose to prematurely depart from the labor force in order to care for an elderly family member.

Your Committee heard that close to 85 percent of today's frail and disabled elderly are being cared for by relatives. The State of Hawaii has also adopted policies encouraging the in-home care of the elderly. Therefore the long term economic dilemma for today's caregivers when they reach retirement age is of great consequence to the State. Your Committee feels this study will be an important indicator of the future financial impact of family caregiving.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 310 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1566            Legislative Management on H.C.R. No. 233**

The purpose of this concurrent resolution is to request the Legislative Auditor to review school bus safety criteria, maintenance programs, and driver training programs. This concurrent resolution further requests an investigation of the extent to which the Department of Transportation's rule of only chartering school buses for school-related activities is being adhered to.

Your Committee finds that the most important criteria regarding school buses used to transport school children for any purpose should be safety. Therefore, the study will include a comparison between school buses and tour buses, which would include a comparison of safety regulations governing each type of mass transit vehicle.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 233, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1567            Legislative Management on H.C.R. No. 256**

The purpose of this concurrent resolution is to request the Legislative Auditor to consult with representatives from the Department of Human Services, the Department of Health, the Department of Education, the University of Hawaii School of Public Health, the Hawaii Public Health Association, the Commission on the Handicapped and other consumer and provider groups in Hawaii to conduct a study and develop a strategic plan ensuring the most efficient utilization of federal Medicaid funds available to the State.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 256, H.D. 1, and recommends that it be adopted.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1568            Legislative Management on H.C.R. No. 309**

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study to examine the issues involved in home health quality of care assurances.

Your Committee believes this study will assist the State in beginning to address quality of care criteria, personnel issues in providing good care, and affordability of care. In the future such information will be vital in making good policy decisions that can assure the elderly safe care in their own homes.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 309 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1569            Legislative Management on H.C.R. No. 122**

The purpose of this concurrent resolution is to request that the Legislative Reference Bureau conduct a study on the progress of the State government in promoting ridesharing in both the public and private sectors, and of the private sector in offering ridesharing alternatives to employees.

Your Committee finds that current efforts to promote ridesharing programs have been greeted with less than an enthusiastic response from the commuting public. Your Committee further finds that for ridesharing programs to be accepted by the commuting public as a whole, State government has to more actively promote ridesharing concepts among State workers.

Your Committee also requests that the Legislative Reference Bureau include an assessment of the liability of promoters of ridesharing programs.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 122, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Apo.



**SCRep. 1570 Human Services on H.C.R. No. 291**

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study to determine the state of care in Hawaii for infants who are medically at high risk, including, but not be limited to, an examination of facilities available to care for these children and the types of care options available for them.

Your Committee received testimony in support of this measure from the office of Children and Youth, the Department of Health, the State Planning Council on Developmental Disabilities, and the Governor's Committee on AIDS. In its testimony, the Office of Children and Youth expressed concern that the study proposed in the concurrent resolution may overlook the work of organizations and agencies promoting family-centered health care for medically fragile children. Specifically, the office of Children and Youth feared that family-oriented and community-based services might not receive the attention they deserve, since they were not specifically mentioned in the concurrent resolution.

This concurrent resolution has therefore been amended to insert language requesting that family-oriented and community-based services be included among the options to be studied. The title of this measure has also been modified to read, "REQUESTING A STUDY OF ALTERNATIVES FOR THE CARE OF MEDICALLY HIGH-RISK INFANTS IN THE STATE OF HAWAII," to reflect the wider scope of the concurrent resolution, as amended.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 291, as amended herein, and recommends it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 291, H.D. 1.

Signed by all members of the Committee except Representatives Peters and Cavasso.

**SCRep. 1571 Legislative Management on H.C.R. No. 291**

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study to determine the state of care in Hawaii for infants who are medically at high risk, including, but not be limited to, an examination of facilities available to care for these children and the types of care options available for them.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 291, H.D. 1, recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1572 Transportation and Health on H.C.R. No. 301**

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study concerning noise barriers and suggest where initial pilot projects could be undertaken along H-1 highway, explore avenues for federal matching funds, explore the costs and effectiveness of different types of noise barriers, explore the industries available in Hawaii capable of designing, planning, and constructing noise barriers, study the sound barrier project for PENDOT and Caltrans, and identify residences, schools, and other facilities that would benefit from noise barriers.

Your Committees received favorable testimony on this concurrent resolution from the Department of Transportation and the Department of Health.

Your Committees find that the number of commuters on the State's highways has steadily increased, generating a great amount of noise in areas along the highways, causing many citizens to become irritable and/or suffer from a loss of hearing, high blood pressure, ulcer, nervous tension, and mental or emotional problems.

Your Committees have amended this concurrent resolution by requesting the Department of Transportation to conduct the study. Your Committees have further amended the title of this concurrent resolution to reflect this change. Your Committees have also amended this concurrent resolution by deleting the section regarding an interim legislative study on this issue.

Your Committees on Transportation and Health concur with the intent and purpose of H.C.R. No. 301, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 301, H.D. 1.

Signed by all members of the Committees except Representatives Peters, Souki and Marumoto.

**SCRep. 1573 Education on H.R. No. 21**

The purpose of this bill is to urge the House of Representatives to consider and take action on alternatives to the selection process of Board of Education members and to effectuate the decentralization of the public school system.

The Board of Education testified in favor of this measure and suggested that it be amended to urge a study of the manner in which members of the Board of Education are elected, the authority of the Board of Education, and decentralization of the public school system. The title and the body of this resolution have been amended accordingly.

Your Committee finds that there is a high degree of interest in restructuring our public education system. The news media and groups such as the Hawaii Business Roundtable have given increased exposure to the issues surrounding

educational reform. We believe that your Committee should study these issues during the interim, including holding public hearings, to gain consensus on legislation for the 1990 legislative session.

Your Committee on Education concurs with the intent and purpose of H.R. No. 21, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 21, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1574            Education on H.R. No. 84**

The purpose of this resolution is to request that the Board of Education amend the school code to cover situations of school personnel charged with criminal offenses involving students.

The Department of Education testified in favor of this measure, but maintained that current regulations provide the means to cover specific situations of school personnel who are charged with criminal offenses that involve students.

The Hawaii State Teachers Association asked for amendments which would clarify that action may be taken against an employee after allegations have been investigated by the Department of Education and an indictment is handed down by the prosecutor's office.

Your Committee finds that protecting the health and safety of public school students is one of the primary responsibilities of the Department of Education, a responsibility which must be balanced by the constitutional protections afforded persons who are accused, but not convicted, of alleged criminal offenses involving students.

This title and the body of this resolution have been amended to request that the Board of Education evaluate rules and policies covering the indictment of school personnel for criminal offenses involving students. We believe that other amendments may be necessary to address potential conflicts between the state's duty to protect students and the constitutional and legal rights of the accused, but that this question can be more properly addressed by your Committee on Judiciary.

Your Committee on Education concurs with the intent and purpose of H.R. No. 84, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.R. No. 84, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1575            Education on H.R. No. 365**

The purpose of this resolution is to request that the Legislative Reference Bureau contract the services of a consultant to conduct a comprehensive job evaluation study of educational assistants in Hawaii to ascertain whether or not:

- (1) There have been changes in the roles and job responsibilities of educational assistants as currently described in the Department of Personnel Services's Class Specification Educational Assistant Series;
- (2) Compensation of educational assistants is commensurate with the duties and job requirements;
- (3) Additional job classifications are necessary to allow for expanded responsibilities and skill levels;
- (4) Current pay scales are sufficient to attract qualified applicants and to retain those currently employed;
- (5) Upgrades are in order for educational assistants who are performing at a higher level of responsibility than currently described in their job descriptions; and
- (6) There are significant differences in the roles and functions between elementary and secondary educational assistants or between special education and regular education or compensatory education assistants.

Your Committee received voluminous testimony concerning this measure. The Department of Education testified that the duties and responsibilities of educational assistants have changed significantly over the past fifteen years, and that the addition of many new programs and mandatory federal requirements during this time have expanded the work complexity of educational assistants. The Department of Personnel Services, the Hawaii Government Employees Association, public school teachers, and educational assistants also testified in favor of this measure.

Your Committee finds that a job evaluation study on Educational Assistants is long overdue. Updated position descriptions show that there have been significant changes in the roles of the Educational Assistants, many of whom are currently performing at a higher level of responsibility than described in their official position descriptions. We believe that the study proposed in this resolution should include all Educational Assistants in Hawaii, including those in the Department of Health and the University of Hawaii.

Your Committee on Education concurs with the intent and purpose of H.R. No. 365 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Bybee, D. Ige, Taniguchi and Hemmings.

**SCRep. 1576 Education on H.R. No. 312**

The purpose of this resolution is to request the Legislative Reference Bureau to review policies affecting public school administrators in an effort to improve public schools.

The Department of Education submitted testimony in support of the resolution.

Your Committee finds that the school principal is the key to educational improvement, and policies affecting school administrators may need to be revised if Hawaii is to make a serious effort to achieve excellence in education.

The resolution requests the Legislative Reference Bureau to review such policies. However, your Committee finds preferable a collaborative effort involving the various concerned parties.

Accordingly, your Committee has amended the resolution as follows:

- (1) Deleted the provision requesting the Legislative Reference Bureau to review policies affecting school administrators;
- (2) Added a provision requesting the Department of Education to convene a task force composed of school administrators, teachers, parents, and community members to review such policies and to make appropriate recommendation;
- (3) Deleted the provision requiring the Legislative Reference Bureau to report to the Legislature;
- (4) Added a provision requiring the Superintendent of Education to report findings and recommendations of the task force to the Legislature;
- (5) Added a provision requiring the Superintendent of Education to report to the Legislature related written communication which has been transmitted from the Department of Education to the Hawaii Government Employees Association, the designated collective bargaining agent for school administrators;
- (6) Deleted the provision transmitting copies of the resolution to the Director of the Office of the Legislative Reference Bureau; and
- (7) Revised the title of the resolution to recognize the amendments previously described.

Your Committee on Education concurs with the intent and purpose of H.R. No. 312, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 312, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Honda, D. Ige, Hemmings and O'Kieffe.

**SCRep. 1577 Education on H.R. No. 208**

The purpose of this resolution is to request that the Board of Education and the Hawaii State Teachers Association collaborate to develop a Teacher Career Ladder Plan.

The Department of Education (Department) testified against this measure. The Department indicated that the career ladder movement has not yet achieved the clear-cut success originally intended nor has it gained prominence as the major focus for educational reform strategies.

The Hawaii State Teachers Association recommended that the scope of this measure be expanded to include other options, such as alternative compensation programs for teachers

This title of this resolution has been amended to request a study of career options for teachers including the career ladder concept. This body of this measure has also been amended to request the Board of Education and the Hawaii State Teachers Association to collaborate to develop a career option plan for teachers which may include, but not be limited to, the career ladder concept and alternative compensation programs.

Your Committee on Education concurs with the intent and purpose of H.R. No. 208, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 208, H.D. 1.

Signed by all members of the Committee except Representatives D. Ige, Taniguchi and Hemmings.

**SCRep. 1578 Education on H.R. No. 184**

The purpose of this resolution is to request that the Department of Taxation provide the Legislature a proposal to exempt the public schools from the general excise tax amounts received from fund raising activities which are of significant benefit to students.

The Department of Education, the Hawaii State Teachers Association, Neighborhood Board No. 18 and the Aliamanu Intermediate School Parent Teacher Organization testified in favor of this measure.

Your Committee finds that the State benefits greatly from school fundraising activities which enhance educational programs and supplement the funds allocated to the Department of Education. We do not believe that tax revenues will be significantly decreased by exempting public school fundraising activities from the general excise tax.

Your Committee on Education concurs with the intent and purpose of H.R. No. 184 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1579            Human Services on H.R. No. 316**

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study to determine the state of care in Hawaii for infants who are medically at high risk, including, but not be limited to, an examination of facilities available to care for these children and the types of care options available for them.

Your Committee received testimony in support of this measure from the Office of Children and Youth, the Department of Health, the State Planning Council on Developmental Disabilities, and the Governor's Committee on AIDS. In its testimony the Office of Children and Youth expressed concern that the study proposed in the resolution may overlook the work of organizations and agencies promoting family-centered health care for medically fragile children. Specifically, the Office of Children and Youth feared that family-oriented and community-based services might not receive the attention they deserve, since they were not specifically mentioned in the resolution.

This resolution has therefore been amended to insert language requesting that family-oriented and community-based services be included among the options to be studied. The title of this measure has also been modified to read, "REQUESTING A STUDY OF ALTERNATIVES FOR THE CARE OF MEDICALLY HIGH-RISK INFANTS IN THE STATE OF HAWAII," to reflect the wider scope of the resolution as amended.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 316, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 316, H.D. 1.

Signed by all members of the Committee except Representatives Peters and Cavasso.

**SCRep. 1580            Consumer Protection and Commerce on H.R. No. 367**

The purpose of this resolution is to request that the Legislative Reference Bureau conduct a study to determine if the continued regulation and licensing of private trade, vocational, and technical schools and the certification of instructors at these schools is necessary, and if deemed necessary, to determine the most appropriate state government agency to regulate the schools and their instructors.

The Department of Commerce and Consumer Affairs ("DCCA") testified in support of the intent of the resolution. DCCA suggested that the office of the Legislative Auditor was the appropriate agency to perform the study because the goals desired from the study is within the purview of the Legislative Auditor pursuant to Chapter 26H, Hawaii Revised Statutes. DCCA requested that the study be expanded to include an analysis of the need to resurrect the licensing of degree granting institutions.

The Department of Education ("DOE") also testified in support of the resolution. The DOE suggested two tiers of inquiries. The first line of inquiry would be whether there is a current need for the State to regulate certain private trade, vocational, and technical schools because some of these schools are accredited by national accrediting agencies and an examination is needed to determine whether accreditation is sufficient to protect the public interest. The second line of inquiry would be where State regulation of private trade, vocational, and technical schools is warranted, who would be the appropriate agency to carry out the regulatory function.

Your Committee finds that the line between the practice of a trade or vocation and the training that is necessary to enter the field is a tenuous one. Your Committee also finds that if regulation is necessary, the standards governing both areas ought to be consistent and complementary. The best way to assure this is to have one agency responsible for the regulation of both the training institutions and the practice of the trade or vocation.

Accordingly, your Committee has amended this resolution by designating the office of the Legislative Auditor to be the agency to conduct the study and that the study also include an analysis for resurrecting the licensing of degree granting institutions.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 367, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 367, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1581            Finance on H.R. No. 282**

The purpose of this resolution is to request that the House Finance Committee continue budget oversight during the 1989 and 1990 interim on the execution of the appropriation acts for the 1989-1991 fiscal biennium of the State agencies.

The budget oversight program of the House Finance Committee shall include the following:

- (1) Monitoring of selected programs through the review of information and program data secured from State agencies and departments;
- (2) Conducting site visits to review the program and project issues and costs to implement such programs and projects; and
- (3) Holding public hearings on program implementation plans and progress of State agencies in attaining the short and long range objectives of the programs.

Your Committee believes a budget oversight during the 1989 and 1990 interim will ensure the efficiency and accountability of the administrative operations through the legal and fiscal review and analysis of the program and expenditure plans developed by the agencies.

Your Committee has amended this resolution to correct a technical drafting error.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 282, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 282, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1582            Judiciary and Labor and Public Employment on H.R. No. 207**

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study to determine how the Legislature can best assist public and private employers in addressing substance abuse among employees.

The study would include:

- (1) Estimates and projections of the effects of substance abuse in the workplace;
- (2) A review and evaluation of different approaches and programs designed to control substance abuse;
- (3) Possible approaches and programs which the State can implement to assist private and public employers; and
- (4) Estimates of the costs of such programs.

The resolution would require the Director of the Legislative Reference Bureau to submit a report of findings and recommendations to the Legislature prior to the convening of the Regular Session of 1990.

Testimony in support of this resolution was presented by the Department of Health, the Department of Labor and Industrial Relations, and the Director of Personnel Services. Your Committee was informed that by current estimates, alcohol and other drug abuse in the workplace drains the national economy of more than five hundred billion dollars annually. Studies have repeatedly demonstrated that workplace-focused programs are effective in helping employees return to full productivity. Substance abusers may benefit from therapy, but employers may not be able to provide such therapy without some type of support.

Your Committee believes that the overall impact of alcohol and drug abuse problems could be reduced by assisting public and private employers in providing therapy services to employees.

Your Committee on Judiciary and Labor and Public Employment concurs with the intent and purpose of H.R. No. 207 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees except Representatives Andrews, Baker, Bybee, Horita, Souki, Tajiri, Yoshimura, Anderson, Cavasso and Marumoto.

**SCRep. 1583            Judiciary on H.R. No. 392**

The purpose of this resolution is to study and evaluate the State of Hawaii's sentencing system and policy.

At the present time, 40 state prisons systems including our own are partially under court order or consent decree due to overcrowding or other unconstitutional conditions brought about largely by the proliferation of mandatory sentencing laws enacted during the 1970's.

Hawaii is experiencing problems with increasing prison population and limited resources. This study will consider alternatives to current sentencing practices such as those currently in practice in such progressive jurisdictions as Washington, Minnesota and Pennsylvania.

Your Committee received testimony in favor of this measure from the State Public Defender.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 392 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Andrews, Oshiro, Peters, Shon, Yoshimura, Anderson and Cavasso.

**SCRep. 1584            Judiciary on H.R. No. 385**

The purpose of this resolution is to request a study of the feasibility of decriminalization of certain traffic offenses as well as to explore other alternatives that may exist that would work to promote the expeditious disposition of traffic cases.

Your Committee heard testimony in support of this resolution from the Administrative Director of the Courts, who expressed that preliminary studies already done by the judiciary will be used to lay a foundation for the more thorough study envisioned by this resolution.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 385 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Amaral, Shon, Yoshimura, Anderson and Cavasso.

**SCRep. 1585            Economic Development and Hawaiian Affairs on H.R. No. 245**

The purpose of this resolution is to request the Legislative Reference Bureau to study the effectiveness of state enterprise zones.

Your Committee received testimony from the City and County of Honolulu, the Hawaii Food Industry Association, and the Department of Business and Economic Development in support of this resolution. The City and County of Honolulu suggested that this measure be amended.

Your Committee has amended this House Resolution by calling for the Legislative Reference Bureau to conduct a study of the effectiveness of enterprise zone programs in Hawaii and other states.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 245, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 245, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1586            Human Services on H.R. No. 334**

The purpose of this resolution is to request a study by the Legislative Reference Bureau of the level of pension and other employment benefits lost by individuals who choose to prematurely depart from the labor force in order to care for an elderly family member.

Your Committee heard that close to 85 percent of today's frail and disabled elderly are being cared for by relatives. The State of Hawaii has also adopted policies encouraging the in-home care of the elderly. Therefore the long term economic dilemma for today's caregivers when they reach retirement age is of great consequence to the State. Your Committee feels this study will be an important indicator of the future financial impact of family caregiving.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 334 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Peters and Cavasso.

**SCRep. 1587            Human Services and Housing on H.R. No. 256**

The purpose of this resolution is to study the State Rent Supplement Program and how it can be improved by reaching a greater number of eligible renters, by expanding eligibility to other groups of people receiving public assistance, and by including a cost of living adjustment to keep pace with rental increases.

Your Committees heard testimony from the Hawaii Housing Authority, and other community groups interested in rental assistance to low income people.

Your Committees decided to amend the resolution so that the report requested would come from the Hawaii Housing Authority rather than the Legislative Auditor. The resolution was also amended to ask for costs estimates of including public assistance recipients and problems that could hinder their inclusion in the rent supplement program. The Department of Human Services was asked to assist the Authority.

Your Committees on Human Services and Housing concur with the intent and purpose of H.R. No. 256, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 256, H.D. 1.

Signed by all members of the Committees except Representatives Peters and Cavasso.

**SCRep. 1588 Labor and Public Employment on H.R. No. 219**

The purpose of this resolution is to request the Department of Personnel Services to conduct a review of the compensation of state agency board and commission members by evaluating whether all members should be compensated, whether the rate of compensation should be equal for all members, whether certain members should be salaried, and at what level of compensation is sufficient.

Your Committee received testimony from the Department of Personnel Services and the Office of Hawaiian Affairs.

Your Committee has amended this resolution by replacing the Department of Personnel Services with the Legislative Reference Bureau as the agency to conduct the review.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 219, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 219, H.D. 1.

Signed by all members of the Committee except Representative Souki.

**SCRep. 1589 Water and Land Use and Housing on H.R. No. 104**

The purpose of this resolution is to determine whether the Land Reform Act, Chapter 516, Hawaii Revised Statutes, which was enacted in 1967, has unintentionally contributed to the increased cost of housing in this State or given any advantage in the purchase of real estate to foreigners at the expense of our residents. This resolution requests the Legislative Auditor to conduct a study of the changes in the housing market due to the Land Reform Act; specifically, its impact on the cost of housing, the rate of turnover in ownership of homes, and the purchase of homes by foreign nationals.

Your Committees find that the recent surge in the price of housing and the highly publicized purchase of housing by foreign nationals are of major concern to residents of this State. One way to address this problem is to determine the factors that may have contributed to its development. In this regard, your Committees are especially interested in determining whether the Land Reform Act contributed in any way to these trends.

Moreover, recently, there have been major initiatives to establish a mechanism for lessees of multi-family dwelling units to purchase the fee interest in their units. Because certain parties propose to accomplish this by extending the provisions of the Land Reform Act to include multi-family dwellings, it becomes all the more important for the Legislature to determine the impact that this law has had on housing before such actions are taken.

Upon further consideration, your Committees have amended this resolution as follows:

- (1) Substituted the Legislative Reference Bureau in place of the Legislative Auditor to undertake this study;
- (2) Added the major landowners of this State to the list of those parties to receive certified copies of this resolution; and
- (3) Made technical, non-substantive amendments to this resolution for the purposes of style and clarity.

Your Committees on Water and Land Use and Housing concur with the intent and purpose of H.R. No. 104, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 104, H.D. 1.

Signed by all members of the Committees except Representatives Duldulao, Metcalf, Cavasso and Liu.

**SCRep. 1590 Water and Land Use and Housing on H.R. No. 105**

The purpose of this resolution is to request the Legislative Auditor to study the feasibility of amending Section 205-17, Hawaii Revised Statutes, to require that the State Land Use Commission, in its review of any petition by a developer of residential housing for district boundary reclassification from agricultural to urban land use, require that, as a condition of reclassification, persons of low and moderate income be able to buy or rent at least 50 percent of the planned housing units.

Representatives from the Building Industry Association of Hawaii submitted testimony in support of this resolution. Testimony indicated that most private developers in recent years have made and are continuing to make efforts to address the affordable housing issue. This focus, admittedly, arose primarily from the government sector at all levels who may have rightfully felt that developers were simply not "giving back" enough in terms of reasonably priced housing after being granted higher-use rezoning. Part of the private sector's problem at the outset appeared to be its failure to communicate, perhaps forthrightly, its development costs to justify the spread in market pricing.

Your Committees heard testimony from the Land Use Research Foundation of Hawaii indicating that: (1) during the past year and a half, the Land Use Commission has often imposed a 50 percent affordable housing requirement in connection with boundary change approvals for major residential projects; (2) this is in response to the serious affordable housing problem that exists in Hawaii; and (3) there is no indication that the Land Use Commission will stop imposing this condition. Testimony from the Land Use Research Foundation of Hawaii further indicated that, at present, the Land use Commission has the flexibility to fashion conditions that can meet the particular circumstances of each project.

Therefore, testimony from the Land Use Research Foundation of Hawaii questioned the need to study a statutory change that would tie the hands of both the Land Use Commission and the applicant.

The Land Use Research Foundation of Hawaii also expressed concern about the cross-subsidy issue. Using government projects as examples, both the Kapolei Village and West Loch housing developments will provide substantial affordable housing opportunities, but someone has to pay the portion of the costs of the new affordable units that are not being charged to the affordable buyers. For Kapolei Village and West Loch, the buyers of market units in the projects will pay more for their own houses to help subsidize the affordable buyers. A research report by the Land Use Research Foundation of Hawaii pointed out that the cost shifting caused by housing exactions pushes up other housing prices.

Your Committees, upon further consideration, have made the following amendments to this resolution:

- (1) Provided that the study include an analysis of the issue of cross-subsidies, that is, where the market-priced units subsidize the costs of affordable housing units in the same project, to determine whether cross-subsidies in projects with an imposed 50 percent affordable housing requirement have a burdensome or detrimental effect on the developers' abilities to sell the market-priced units;
- (2) Provided that the study include an analysis of the impact of the 50 percent affordable housing requirement on those development projects which have opted for the requirement as compared to those development projects which have opted not to provide 50 percent of the units for affordable housing;
- (3) Provided that the study include a review and analysis to determine whether development projects with an affordable housing component are truly affordable to a significant portion of the State's residents, given the State's definition of "affordability."
- (4) Provided that the study include a review and analysis to determine the extent to which government subsidization of development projects enables developers to provide affordable housing; and
- (5) Provided that the study include a review and analysis to determine whether a statutorily imposed 50 percent affordable housing requirement would adversely impact on the ability of the State Land Use Commission to provide for, or assist in, the development of affordable housing.

Your Committees have further amended this resolution to correct certain typographic, technical, and stylistic errors.

Your Committees on Water and Land Use and Housing are in accord with the intent and purpose of H.R. No. 105, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 105, H.D. 1.

Signed by all members of the Committees except Representative Chang.

**SCRep. 1591      Transportation and Health on H.R. No. 326**

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study concerning noise barriers and suggest where initial pilot projects could be undertaken along H-1 highway, explore avenues for federal matching funds, explore the costs and effectiveness of different types of noise barriers, explore the industries available in Hawaii capable of designing, planning, and constructing noise barriers, study the sound barrier project for PENDOT and Caltrans, and identify residences, schools, and other facilities that would benefit from noise barriers.

Your Committees received favorable testimony on this resolution from the Department of Transportation and the Department of Health.

Your Committees find that the number of commuters on the State's highways has steadily increased, generating a great amount of noise in areas along the highways, causing many citizens to become irritable and/or suffer from a loss of hearing, high blood pressure, ulcer, nervous tension, and mental or emotional problems.

Your Committees have amended this resolution by requesting the Department of Transportation to conduct the study. Your Committees have further amended the title of this resolution to reflect this change. Your Committees have also amended this resolution by deleting the section regarding an interim legislative study on this issue.

Your Committees on Transportation and Health concur with the intent and purpose of H.R. No. 326, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 326, H.D. 1.

Signed by all members of the Committees except Representatives Peters, Souki and Marumoto.

**SCRep. 1592      Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs on H.R. No. 66**

The purpose of this resolution is to reduce the solid waste stream in our islands by encouraging state and county agencies to adopt policies that will facilitate the purchase of goods and supplies made from recycled materials.

The United States is considered to be the most wasteful country in the world, averaging four to six pounds of solid waste per person per day, whereas two other leading industrialized countries, West Germany and Japan, average only 2.5 pounds of solid waste per person per day.



In Hawaii, solid waste disposal is an ever more critical issue due to the limited quantity of waste our island geography can absorb before negative side effects occur.

Your Committees find that it is the responsibility of state and county governments to assist in illustrating the shift from solid waste disposal to resource recovery. Fostering a greater demand for recycled products will help to stimulate the growth of the recycling industry and also educate the public about the availability of products made from recycled materials.

Your Committees on Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 66 and recommend its adoption.

Signed by all members of the Committees except Representatives Say and Marumoto.

**SCRep. 1593            Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs on H.R. No. 383**

The purpose of this resolution is to request the Department of Health to consult with the counties to look into the use of innovative sewage treatment systems other than the traditional treatment by chemicals and report to the Legislature at least twenty days prior to the convening of the Regular Session of 1990.

Your Committees received favorable testimony from the Department of Health and Hawaii's Thousand Friends. The Department of Health testified that pursuant to the Clean Water Act of 1977, counties may receive an additional ten percent federal funding for the costs of constructing wastewater treatment facilities if they utilize innovative systems. In addition, counties may receive one hundred percent federal funding for the cost of correcting deficiencies of innovative systems. Furthermore, the counties are required to consider innovative systems during the planning and designing phases to receive federal funding for wastewater treatment works.

In light of the growing sewage disposal problem in the State and the federal monetary incentives available for utilizing innovative systems, your Committees find that this resolution is both timely and necessary to encourage more efficient and environmentally sound means of disposing Hawaii's wastes.

Your Committees on Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 383 and recommend its adoption.

Signed by all members of the Committees except Representatives Bybee, Fukunaga, Horita, Kotani, Souki, Tajiri and Marumoto.

**SCRep. 1594            Education and Economic Development and Hawaiian Affairs on H.R. No. 261**

The purpose of this resolution is to request the Superintendent of Education to examine funding strategies for replicating successful features of the Hana Kuponono project in improving the basic academic skills and higher order thinking skills of intermediate school students.

The Department of Education (DOE) submitted testimony in support of this resolution. According to the DOE, the Hana Kuponono project is designed to promote these skills by incorporating cooperative learning strategies, independent research work by classes, instruction in critical thinking skills, and computer assisted instruction.

Your Committees find that education is the key to Hawaii's future, and that basic academic skills and higher order thinking skills must be learned by today's students if Hawaii is to prosper in tomorrow's high-technology information age.

Your Committees on Education and Economic Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 261 and recommend its adoption.

Signed by all members of the Committees except Representatives Andrews, Apo, Bunda, Fukunaga, Hashimoto, Hiraki, Isbell, Kanoho, Hemmings and O'Kieffe.

**SCRep. 1595            Judiciary and Intergovernmental Relations and International Affairs on H.R. No. 285**

The purpose of this resolution is to request the Chief Election Officer to form an advisory body to conduct a study to determine the impact on the State of Hawaii should the United States Congress pass the Uniform Poll Closing Act.

Under the proposed federal act, Hawaii along with Alaska would be specifically exempt from its requirements and would have the option to participate in a scheme whereby, polling places may institute hours more compatible to the mainland schedules.

Under this resolution, the advisory body is to make recommendations as to whether the State of Hawaii should participate in some manner to close polls at a uniform time.

Your CommitteeS received supporting testimony from a representative for the Chief Elections Officer for the State of Hawaii.

Pursuant to further deliberations, your Committees have amended this resolution so that it expresses support for and urges the Congress to pass the "Uniform Poll Closing Act." Moreover, the resolution has been further amended so as to allow the Chief Election Officer to request that the association of clerks and election officers serve as the advisory body.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 285, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 285, H.D. 1.

Signed by all members of the Committees except Representatives Baker, Cachola, Hayes, Hirayama, Hirono, Horita, Okamura, Shon, Souki, Tajiri, Takamine and Cavasso.

**SCRep. 1596            Agriculture and Intergovernmental Relations and International Affairs on H.R. No. 319**

The purpose of this resolution is to request the Hawaii County Council to re-examine the county's zoning and subdivision ordinances to: (1) develop a sound system to protect agricultural lands from condominium-style development and ownership, and (2) eliminate the ambiguity in the ordinances which contribute to the misuse and circumvention of the ordinances and the Hawaii Revised Statutes on condominium property regime.

Your Committees received supporting testimony from the Hawaii Island Economic Board and Gallup & Van Pernis, Attorneys at Law. The testimony indicated that there is growing concern on the island of Hawaii about the methodology used for development of agricultural lands for condominium-style developments and ownerships. More specifically, the problem is about the so called "agricultural condominium" developments and the manner in which these developments occur through interplaying and circumventing of the county's zoning and subdivision ordinances, including the ohana zoning provisions, and the State's condominium laws.

Your Committees find that there is nothing inherently wrong with the agricultural condominium concept of developments as long as the intent is not to circumvent the county's land use control laws. A clarification and updating of the county's land use control provisions should allow for the intended purposes of the agricultural condominium concepts and eliminate the abuses.

Your Committees on Agriculture and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 319 and recommend its adoption.

Signed by all members of the Committees except Representatives Tajiri, Yoshimura, Anderson and Marumoto.

**SCRep. 1597            Education and Human Services on H.R. No. 255**

The purpose of this resolution is to request the Department of Education to conduct a study to expand the use of public school facilities for child care.

The Department of Education, the Office of Children and Youth, and the Hawaii Academy of Plaintiffs' Attorneys submitted testimony in support of the resolution. Society has experienced an increase in demand for child care for school-aged children during non-school hours, and school facilities can be made available for that use.

Commenting on the reference in the resolution to revenues which may be received by the Department of Education from private providers, the Office of Children and Youth testified that the use of public facilities for a public purpose should be free of charge or subject to a very nominal fee if the provider is either a public or private non-profit entity.

On another matter, a concern was raised that, while many principals currently encourage the use of school facilities, others do not. Efforts must be made to encourage those unwilling principals to recognize the need for child care and to respond accordingly. Other efforts must be made to inform potential child care providers of the availability of school facilities for child care.

In consideration of these and other concerns, your Committees have amended the bill as follows:

- (1) Deleted in the fifth "Whereas" clause that the Department of Education would benefit from after-school care by receiving revenue from private providers using school facilities;
- (2) Added a provision requiring the Office of Children and Youth to be consulted by the Department of Education in conducting the study;
- (3) Clarified that child care includes after-school care, before-school care, vacation care, and weekend care; and
- (4) Added a provision requiring the study to include recommendations of ways to urge principals and district administrators to address the need for child care programs and ways to inform providers of child care services about the availability of public school facilities.

Technical, nonsubstantive amendments were also made for purposes of style and clarity.

Your Committees on Education and Human Services concur with the intent and purpose of H.R. No. 255, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 255, H.D. 1.

Signed by all members of the Committees except Representatives Amaral, Apo, Hashimoto, Hayes, Honda, D. Ige, M. Ige, Lee, Metcalf, Peters, Shon, Cavasso, Hemmings and O'Kieffe.

**SCRep. 1598            Education and Higher Education and the Arts on H.R. No. 359**

The purpose of this resolution is to urge NASA to assist the Department of Education with teacher resource centers, teacher training services, science center planning, and programming for a summer space camp.

Your Committees heard testimony in favor of the resolution from the Director of the Department of Business and Economic Development, the Superintendent of the Department of Education, the Hawaii State Teacher's Association, and the Bishop Museum.

Your Committees find that with the University of Hawaii Institute of Astronomy's development of two of the State's highest peaks, and with NASA's ongoing programs in research and education being relatively inaccessible to the people of Hawaii due to the distance of the State from the mainland, an increase in NASA's outreach programs in Hawaii will greatly enhance the education of Hawaii's people.

Your Committees on Education and Higher Education and the Arts concur with the intent and purpose of H.R. No. 359 and recommend its adoption.

Signed by all members of the Committees.

**SCRep. 1599            Transportation and Intergovernmental Relations and International Affairs on H.R. No. 238**

The purpose of this resolution is to show that the State of Hawaii supports the need for the construction of a causeway to Ford Island to help increase the future development potential of Pearl Harbor Naval Base, including the homeport berth for a battleship.

Your Committees received favorable testimony on this resolution from the Department of Land and Natural Resources, the Department of Business and Economic Development, the Department of the Navy, the Chamber of Commerce Armed Services Committee, and the Chamber of Commerce Military Affairs Council.

Your Committees find that the construction of a causeway between mainside of Pearl Harbor and Ford Island is a cost-effective solution to the access problem.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 238 and recommend its adoption.

Signed by all members of the Committees except Representative Marumoto.

**SCRep. 1600            Labor and Public Employment and Intergovernmental Relations and International Affairs on H.R. No. 292**

The purpose of this resolution is to request the Office of State Planning to assess the current level of government services provided to, and the future level of government services that will be needed by, the residents of the Island of Lanai.

Your Committees find that the Office of State Planning, in 1988, was requested to conduct a feasibility study to determine the need for State satellite offices with implementation contingent upon the results of the study and legislative action.

Your Committees received favorable testimony on this resolution from the Office of State Planning, Oceanic Properties, and Unit 2301 of the ILWU.

Your Committees have amended this resolution to request the Office of State Planning to confer with the County of Maui and the Lanai Company to devise a plan for a coordinated approach to providing government service to Lanai residents.

Your Committees have further amended this resolution to include the Lanai Community Association among the list of recipients of certified copies of this resolution.

Technical, nonsubstantive amendments have also been made for purposes of style and clarity.

Your Committees on Labor and Public Employment and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 292, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 292, H.D. 1.

Signed by all members of the Committees except Representatives Cachola, Horita, Okamura, Souki and Marumoto.

**SCRep. 1601            Economic Development and Hawaiian Affairs; Legislative Management; Judiciary; and Intergovernmental Relations and International Affairs on H.R. No. 411**

The purpose of this resolution is to request the Department of Budget and Finance to explore integrating the State information network with Federal information services.

Your Committees received testimony in support of this resolution from the Department of Budget and Finance.

Your Committees on Economic Development and Hawaiian Affairs and Legislative Management and Judiciary and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 411 and recommend its adoption.

Signed by all members of the Committees except Representatives Alcon, Cachola, Hirayama, Hirono, Horita, Kihano, Kotani, Shon, Souki, Tajiri, Yoshimura, Cavasso, Liu and Marumoto.

**SCRep. 1602            Education and Health on H.R. No. 151**

The purpose of this resolution is to request the Department of Education and the Department of Health to conduct a joint study of classroom facilities to determine whether noise control and ventilation are needed for effective classroom instruction. The resolution also requests these departments to develop criteria for determining in which classrooms these measures are needed.

The Department of Education, the Department of Health, and the Hawaii State Teachers Association submitted testimony in support of this resolution. The discussion with these agencies which ensued surfaced concerns supplementing those specified in the resolution.

For example, it was noted that the Department of Education air conditions many of its business offices. However, it does not air condition classrooms in areas where excessive heat is a problem. Business offices and classrooms are treated differently, presenting an inconsistency which should be investigated.

Relatedly, effective landscaping can, in certain cases, mitigate the effects of excessive heat or wind. Trees provide shade and lower the temperature of the surrounding area. Large shrubs can serve to block strong winds. As such, proper landscaping can eliminate or reduce the need for mechanical or other equipment, which can be costly to install and maintain.

While the resolution focuses on retrofitting existing facilities, it was noted that new facilities need to be designed with a sensitivity to local conditions, and that architects practicing in the area would be most knowledgeable about these conditions. Your Committees are in agreement, and recommend that local architects be consulted in designing school facilities.

Your Committees amended the resolution as follows:

- (1) Added the provision that the study consider landscaping which can eliminate or mitigate the need for installing mechanical or other devices; and
- (2) Added the provision that the suggestions of principals, teachers, and students be incorporated in the study.

Technical, nonsubstantive amendments were made for purposes of style and clarity.

Your Committees on Education and Health concur with the intent and purpose of H.R. No. 151, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 151, H.D. 1.

Signed by all members of the Committees except Representatives Duldulao, D. Ige, M. Ige, Ihara, Kawakami and Peters.

**SCRep. 1603            Education and Health on H.R. No. 306**

The purpose of this resolution is to request the Department of Health, in consultation with the University of Hawaii, to conduct a survey which, among other things, estimates the number of Hawaii's residents whose primary language is Hawaii creole English (popularly known as "pidgin"), describes their geographic distribution, and identifies their ethnic background. The resolution calls for this language study because clear communication is necessary for the effective provision of health care and social services, the administration of justice, and the provision of other vital services.

The Department of Health, the University of Hawaii, and two professors at the University of Hawaii testified in support of this resolution. According to the Department of Health and the University of Hawaii, a survey of the type called for in the resolution would involve a complex developmental process. However, the information generated would be a useful step toward clearer communication and more effective services with a large sector of the population.

In addition, the University of Hawaii testified that several faculty members in the departments of linguistics and English as a second language have primary scholarly interests in this area and would assist with this effort.

Your Committees are confident that the necessary expertise to conduct the survey exists at the University of Hawaii and other State agencies. Your Committees also urge the Department of Health and the Department of Education to be involved in the survey.

Your Committees on Education and Health concur with the intent and purpose of H.R. No. 306 and recommend its adoption.

Signed by all members of the Committees except Representatives Apo, Hashimoto, Honda, D. Ige, M. Ige, Lee, Metcalf, Peters, Cavasso, Hemmings and O'Kieffe.

**SCRep. 1604 Human Services and Health on H.R. No. 230**

The purpose of this resolution is to strongly urge the Department of Human Services to recognize registered nurses holding a master's degree in nursing, or a related field, as qualified Medicaid direct health care service providers.

Your Committees received testimony in support of this measure from the Department of health, the Hawaii Public Health Association, the Hawaii Nurses' Association, and the Kokua Council for Senior Citizens of Hawaii. The Department of Human Services also submitted testimony stating that the Department of Human Services had no objections to the resolution but noting that it would be better for the Hawaii Nurses' Association or the Legislature to draft the required legislation, instead of the Department of Human Services as this measure now reads.

Suggestions for amendments were also made by the Hawaii Nurses' Association, which would allow all nurses licensed to practice in the State to be qualified Medicaid direct health care service providers since licensure should guarantee competency.

This resolution has therefore been amended by expanding the eligible category of nurses to those licensed to practice in Hawaii and by requesting that the Department of Human Services assist in preparing the required legislation, instead of actually having the Department draft it.

Your Committees on Human Services and Health concur with the intent and purpose of H.R. No. 230, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 230, H.D. 1.

Signed by all members of the Committees.

**SCRep. 1605 Human Services and Intergovernmental Relations and International Affairs on H.R. No. 118**

The purpose of the resolution is to urge the City and County of Honolulu to issue free bus passes to applicants who can show they qualify for Supplemental Security Income.

Your Committees heard testimony on the resolution from the Commission on the Handicapped, the Kokua Council for Senior Citizens and the Hawaii Centers for Independent Living. These groups strongly supported the resolution, pointing out that the current city policy does not treat all disabled people equally, and requires a duplication of effort in having handicaps certified by doctors, for free bus passes, when persons qualified for Supplemental Security Income have already been determined disabled.

Your Committees also heard from the City and County of Honolulu that free bus passes are already issued to any disabled person with a Medicare card, as required by federal regulations. Other disabled persons must apply for the pass and if their handicap is not readily observable, or they lack supporting evidence, then the applicant must submit proof of their disability by a physician.

Your Committees decided to amend the resolution to ask the City and County to use the definition of "disabled" established by the Social Security Administration, for the City and County's policy on free bus passes. The title of the resolution was amended to reflect that change and now reads:

"URGING THE CITY AND COUNTY OF HONOLULU TO USE THE UNITED STATES SOCIAL SECURITY ADMINISTRATION'S DEFINITION OF "DISABLED" WHEN ISSUING FREE BUS PASSES TO DISABLED INDIVIDUALS."

Your Committees on Human Services and Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 118, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 118, H.D. 1.

Signed by all members of the Committees.

**SCRep. 1606 Human Services and Labor and Public Employment on H.R. No. 162**

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 those officers.

Your Committees find that the adult corrections officer series is presently priced on the basis that the functions of these positions are primarily custodial in nature. In practice, however, the responsibilities of the adult corrections officers in the department of corrections go far beyond mere custodial care and are more in line with criminal justice law enforcement. Accordingly, the adult corrections officer series should be appropriately recognized and priced in relation to other criminal justice law enforcement positions.

Your Committees have amended the resolution to clarify the language in the title and the first BE IT RESOLVED clause to request the conference of personnel directors to review and make recommendations on the repricing of the adult corrections officer series. Your Committees have also deleted the word "class" from the term "adult corrections officer class series" in the sixth WHEREAS clause to provide for consistency in the use of the term.

Your Committees on Human Services and Labor and Public Employment concur with the intent and purpose of H.R. No. 162, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 162, H.D. 1.

Signed by all members of the Committees.

**SCRep. 1607      Water and Land Use and Economic Development and Hawaiian Affairs on H.R. No. 161**

The purpose of this resolution is to request the Office of Hawaiian Affairs (OHA) to study ways to improve the management of historic property in the State. According to this resolution, if the State is committed to properly managing its historic property, it should seriously consider alternative means to fulfill the mandate provided in Chapter 6E, Hawaii Revised Statutes, by requesting the active participation of OHA, given its unique perspective and participation in historical preservation efforts.

Your Committees received testimony from the Department of Land and Natural Resources (DLNR) and OHA. DLNR pointed out the narrow focus of OHA in addressing the needs of native Hawaiians and Hawaiians. For this reason, DLNR recommended that the scope of OHA's study be limited to the management of historic sites directly related to OHA's target population. DLNR further recommended that the due date for the requested study be extended to the Regular Session of 1991, due to the potential passage this session of laws relating to the State's Historic Sites Program that may enlarge and/or complicate the scope of work. OHA strongly supported the resolution and expressed its willingness to undertake the study with the hope that its own budget would eventually provide sufficient funding for this project.

Upon further consideration, your Committees have amended the resolution as follows:

The focus of the study has been narrowed to those historical sites that pertain to OHA's clientele, ie. the Hawaiians;

In conducting the study, OHA is to work closely with the Department of Land and Natural Resources; and

A progress report is requested prior to the Regular Session of 1990, and a final report is requested prior to the Regular Session of 1991.

Your Committees on Water and Land Use and Economic Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 161, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 161, H.D. 1.

Signed by all members of the Committees except Representatives Apo, Bellinger and Hemmings.

**SCRep. 1608      Water and Land Use and Intergovernmental Relations and International Affairs on H.R. No. 217**

The purpose of this resolution is to request that the appropriate housing and/or land use development agency and the legislative body of the counties of Maui, Kauai, and Hawaii and the City and County of Honolulu require, whenever feasible and appropriate, developers of housing projects of 1000 or more units to construct portable school buildings which can be stored and later sited on school campuses when needed.

Your Committees received testimony from the Department of Education in support of this resolution. Testimony indicated that the Department of Education has been working with the Office of State Planning in taking an aggressive stance in urging State and county agencies to require those developers, whose developments would generate students which would have a significant impact on our schools, to donate land in their developments for schools.

Your Committees received testimony from the Housing Finance and Development Corporation in support of the concept of this resolution. Testimony indicated that the Housing Finance and Development Corporation believes that the emphasis should be placed on joint planning with Department of Education officials to ensure timely budgeting for the development of school facilities consistent with the progress of the housing developments.

Your Committees, upon further consideration, have amended this resolution to request that the appropriate housing and/or land use development agency and the legislative body of the counties of Maui, Kauai, and Hawaii and the City and County of Honolulu require, whenever feasible and appropriate, developers of building projects of 1000 or more units to donate land in their developments for schools and to construct portable school buildings which can be stored and later sited on school campuses when needed.

Your Committees have also made technical, nonsubstantive amendments to this resolution for the purposes of style and clarity.

Your Committees on Water and Land Use and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 217, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 217, H.D. 1.

Signed by all members of the Committees except Representatives Bunda, Hashimoto, Say, Souki, Tajiri, Anderson and Marumoto.

**SCRep. 1609      Health and Labor and Public Employment on H.R. No. 197**

The purpose of this resolution is to request the Department of Health to review the need for requiring sanitary facilities in food service establishments, and whether the need could be met by requiring that employee facilities be open for public use.

Your Committees heard testimony from the Department of Health, Hawaii Food and Beverage Association, and Stanley Y. Yascolt. The Department testified against the resolution on the basis of cost, while Mr. Yascolt felt that the cost is worth the better health that available facilities would promote.

Your Committees are amending the resolution to review the provision of facilities for use by "patrons" rather than the "public;" and to request that the Department hold public hearings to amend the administrative rules concerning sanitary facilities; and to recommend that the following topics be reviewed during the Department's process of amending the rules:

- (1) The appropriate circumstances under which food establishments could open up employee facilities to patron use; and
- (2) The circumstances under which landlords (versus renters) should bear the responsibility of providing facilities for patrons; and
- (3) How common facilities might be shared by a variety of small establishments; and
- (4) The possibility of incorporating the same standards for food establishments as for liquor dispensing establishments; and
- (5) How the rules can be sensitive to smaller establishments for whom the cost of providing facilities for patrons would be prohibitive; and
- (6) The distinction between rules for food establishments who will be grandfathered in versus new establishments; and
- (7) How other states deal with these topics in regulating their food establishment sanitary facilities.

Your Committees on Health and Labor and Public Employment concur with the intent and purpose of H.R. No. 197, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 197, H.D. 1.

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

**SCRep. 1610            Water and Land Use and Intergovernmental Relations and International Affairs on H.R. No. 196**

The purpose of this resolution is to urge the United States Congress to (1) support HR 4335 ("National Biological Diversity Conservation and Environmental Research Act") that proposes to establish a national policy for the conservation of biological diversity and (2) give serious consideration to the establishment of a National Center for Biological Diversity in this State or at least a Regional Center for Tropical Biology that could take advantage of Hawaii's unique climate.

Your Committees received testimony in favor of this resolution from the Natural Resources Defense Council, Inc. This testimony indicated that besides providing additional funding and a foundation for biodiversity research in Hawaii, the establishment of national policy for the conservation of biological diversity and a center in Hawaii in furtherance of that policy could provide badly needed coordination and information transfer between researchers in both government and private spheres.

Your Committees find that biological diversity is not only valuable as a source of intellectual and scientific knowledge, recreation, and aesthetic pleasure, but that its reduction may have serious consequences for human welfare as untapped resources for research and agricultural, medicinal, and industrial development are irretrievably lost. The loss of biological diversity is a serious problem within this country in general and Hawaii in particular which is ranked number one in the world for its tally of endemic species and where 800 of those endemic species are considered endangered. Your Committees find that the National Biological Diversity Conservation and Environmental Research Act would have an integral effect on the future of Hawaii's large and fragile population of endemic species and could set an example to the rest of the world regarding the importance of biological diversity conservation.

Your Committees on Water and Land Use and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 196 and recommend its adoption.

Signed by all members of the Committees except Representative Tajiri.

**SCRep. 1611            Water and Land Use and Intergovernmental Relations and International Affairs on H.R. No. 192**

The purpose of this resolution is urge the United States Congress to acquire Palmyra Atoll and transfer ownership of the Atoll to the State of Hawaii.

Your Committees received favorable testimony from the Department of Land and Natural Resources (DLNR) and the Office of Hawaiian Affairs (OHA). DLNR expressed a long standing interest in the Atoll for the expansion of Hawaii's recreational and commercial fisheries. Assessments conducted during the 1950's and 1970's concluded that: Palmyra could offer excellent sport fishing opportunities within the reefs and lagoons; a trolling fishery for pelagic game fish species utilizing small vessels could be profitable; a small live bait fishery for tuna could be developed, although the supplies of baitfish within the lagoons appear to be somewhat limited; and expansion of the State's distant water tuna

fishing operations could occur if adequate logistical support provisions are made available. According to OHA, the purchase and return of Palmyra to the State would enable the State to regain part of its original territorial boundaries since Palmyra was among the lands transferred to the United States during Annexation.

Based on DLNR's recommendations, your Committees have amended this resolution by inserting a phrase in the first BE IT FURTHER RESOLVED clause that urges Congress to include Palmyra as part of the State before it comes under the State's ownership. Your Committees have also corrected a typographical error in the same clause.

Your Committees on Water and Land Use and Intergovernmental Relations and International Affairs are in accord with the intent and purpose of H.R. No. 192, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 192, H.D. 1.

Signed by all members of the Committees except Representative Tajiri.

**SCRep. 1612            Health and Human Services on H.R. No. 353**

The purpose of this resolution, as received by your Committees, is to request the Departments of Human Services and Health to review and evaluate health and social needs and services in rural areas.

Your Committees heard testimony in full support of this resolution from the Department of Health and from Loretta Schuler, a retired public health nurse. The Department recognizes the disadvantage that rural citizens face in accessing out-patient care and follow-up care upon discharge from acute care settings, public health education and prevention, and social services. The Department mentioned the newly formed Tri-Agency Council Task Force, made up of representatives of the Departments of Human Services, Health and Labor. The Tri-Agency Council is implementing a pilot project to offer citizens in certain areas, including Kona, more coordinated services.

Your Committees are amending the resolution to add a final WHEREAS clause regarding the Tri-Agency Council, and to include the Department of Labor to the Departments of Human Services and Health in the BE IT RESOLVED and BE IT FURTHER RESOLVED sections. The second BE IT FURTHER RESOLVED is amended to add "Family planning services" to the list of services to be specifically reviewed and evaluated in this study, as well as to add technical changes for the purpose of grammar and style.

Your Committees on Health and Human Services concur with the intent and purpose of H.R. No. 353, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 353, H.D. 1.

Signed by all members of the Committees except Representatives Ihara, Leong, Metcalf, Peters and Liu.

**SCRep. 1613            Human Services and Intergovernmental Relations and International Affairs on H.R. No. 391**

The purpose of this resolution is to urge the National Governors Association (NGA) to work towards changing rules and statutes governing the Aid to Families With Dependent Children (AFDC) program.

Your Committees find that the NGA would be an appropriate body to review changes in federal rules that might expand eligibility and increase the assistance given to families in need of support. A part of the review would survey the impact of increased costs of living, and the rules and regulations enforced in the past eight years which may have denied deserving people the opportunity to participate in the AFDC program.

Your Committees amended the resolution so that copies of the resolution would be sent to the Secretary of the Department of Health and Human Services and members of Hawaii's congressional delegation.

Your Committees on Human Services and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 391, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 391, H.D. 1.

Signed by all members of the Committees.

**SCRep. 1614            Health and Human Services on H.R. No. 210**

The purpose of this resolution is to direct the House Committee on Health to hold interim hearings on the progress of reform in Hawaii's mental health system.

Your Committees heard testimony in support of this resolution from the Department of Health, Families and Friends of Schizophrenics, the Mental Health Association in Hawaii, Hawaii Mental Health Consumer Council, and Protection and Advocacy Agency of Hawaii.

Your Committees find that interim review of the efforts being made to improve the mental health system will lead to more public access to information, more public input into the planning, and ultimately more comprehensive and appropriate services to the consumers and their families. Your Committees accepted the recommended amendments to the resolution, including: changing the word "INVESTIGATION" in the title to "REVIEW" to exhibit a more positive connotation to this process; adding "family members and advocates" to the consumers in the "BE IT RESOLVED"; and adding the expansion of Medicaid reimbursements to the list of topics to be explored during the interim review.



Your Committees on Health and Human Services concur with the intent and purpose of H.R. No. 210, as amended herein, and recommend its adoption in the form attache hereto as H.R. No. 210, H.D. 1.

Signed by all members of the Committees.

**SCRep. 1615            Water and Land Use on H.R. No. 115**

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to review all watershed and hydrographic studies that have been conducted to date and to make recommendations regarding their shortfall.

Your Committee received testimony from DLNR that such a review would be undertaken by the Commission on Water Resource Management as a part of its Water Resources Protection Plan which is currently being developed. This undertaking is required by the State Water Code and eventually will be incorporated into the Hawaii Water Plan scheduled for completion on July 1, 1990.

Your Committee also heard testimony from the University of Hawaii Environmental Center, the University of Hawaii Water Resources Research Center, and the Natural Resources Defense Council, Inc. agreeing with the purpose and intent of the resolution while suggesting non-substantive changes in wording for purposes of consistency.

Instead of awaiting the results of the Hawaii Water Plan which is scheduled to be completed by July 1, 1990, your Committee believes that the findings of the Commission's review of all watershed and hydrologic studies are significant enough to be forwarded to the Legislature as an interim report prior to that date. Accordingly, your Committee has amended the resolution as follows:

- (1) Replaced references to the Department of Land and Natural Resources with the Commission on Water Resource Management;
- (2) Replaced references to hydrographic with hydrologic;
- (3) Re-phrased the BE IT RESOLVED clause; and
- (4) Made technical, non-substantive changes to the resolution for the purposes of style and clarity.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 115, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 115, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1616            Water and Land Use on H.R. No. 148**

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to conduct a study on the feasibility of transferring management of certain parcels of forested state-owned land from the Division of Land Management to the Division of Forestry and Wildlife.

Your Committee received testimony from DLNR that much of what the resolution requests is already currently underway. Your Committee also heard testimony from the Natural Resources Defense Council, Inc. in support of the resolution that suggested non-substantive word changes.

Your Committee finds that a new study is not necessary but that reports to the Legislature on the status of current efforts related to the resolution is appropriate. Accordingly, your Committee has amended the resolution by:

- (1) Updating the title of the resolution and the BE IT RESOLVED clause to reflect DLNR's recent actions with regard to the transfer of state-owned parcels;
- (2) Replacing the first BE IT FURTHER RESOLVED clause with language requesting:
  - (a) A status report, prior to the adjournment of the Regular Session of 1989, on the 22 state-owned parcels being considered for inclusion into the Forest Reserve system;
  - (b) A second report, at least twenty days prior to the convening of the Regular Session of 1990, on subsequent actions taken by DLNR with regard to these 22 parcels; and
  - (c) A list, at least twenty days prior to the convening of the Regular Session of 1990, of encumbered state forest lands whose encumbrances are scheduled to expire prior to 2000;
- (3) Deleting the fifth WHEREAS clause and the second BE IT FURTHER RESOLVED clause;
- (4) Re-wording the last WHEREAS clause based on the testimony presented by DLNR; and
- (5) Making technical, non-substantive amendments to the resolution for purposes of style and clarity.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 148, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 148, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1617            Water and Land Use on H.R. No. 327**

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to study the feasibility of developing a state raceway park which can be either operated by the state or leased to a promoter.

The only drag-racing strip and stock-car track on Oahu, Hawaii Raceway Park, has between closed due to a liability insurance coverage dispute between the owners, Campbell Estate, and its leasee. Even if the dispute is to be resolved in the near future, there may not be long-term assurance that continued access to a facility for competitions and events will be available for Hawaii's motor sports enthusiasts.

Your Committee finds that the DLNR, which administers the state park system, would be willing to undertake such a project provided that: (1) sufficient funding is made available by the Legislature for the study; and (2) the scope of the study is limited to the island of Oahu. Therefore, Your Committee has incorporated these concerns as amendments to the resolution

Your Committee on Water and Land Use 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 Apo, Hiraki and Hemmings.

**SCRep. 1618            Water and Land Use on H.R. No. 149**

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to prepare a plan for the reimplementation of a forest rangers program to assist DLNR in:

- (1) Managing the State's forest resources;
- (2) Conducting field observations, data gathering, and inspections; and
- (3) Providing informational and educational services to the public.

Your Committee received testimony from DLNR in support of the resolution. DLNR noted that it had previously considered such a reimplementation plan in 1978, and that such information could be the basis for current recommendations.

Your Committee believes that any plan should be built upon existing information but that the responsibilities and personnel of an agency may change over a ten-year period so that thoughtful updating of earlier reports or plans is necessary.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 149 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1619            Water and Land Use on H.R. No. 83**

The purpose of this resolution is to commend and fully support Kauai County's efforts to enhance public safety along shoreline recreation areas.

Your Committee finds that a disproportionate number of drownings in our State occurs off Kauai's beaches. A primary cause has been the public's failure to recognize hazardous conditions and practices. The proposed Kauai Water Safety Signage Beach Warning Program addresses this problem with the posting of effective signs warning against hazardous conditions.

Your Committee finds that the Department of Land and Natural Resources supports this resolution and has included in its biennium budget a funding request for a comprehensive analysis and overhaul of our sign system. This important undertaking will continue to receive involvement from the Attorney General's office.

Your Committee has amended this resolution by deleting paragraph seven, because it is unclear whether the state is ultimately responsible to ensure water safety along areas seaward of the shoreline.

Your Committee has also amended this resolution by requiring that the Department of Land and Natural Resources report to the legislature at least 20 days before the convening of the Regular Session of 1990 on the progress made regarding its support of the efforts made by the county of Kauai to establish a water safety signage beach warning program.

Your Committee has also made technical, nonsubstantive amendments to this resolution for the purposes of style and clarity.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 83, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 83, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1620            Water and Land Use on H.R. No. 109**

The purpose of this resolution is to request the Department of Land and Natural Resources, in conjunction with the Commission on Water Resource Management, to conduct comparison studies on the cost of transporting water to areas which lack necessary water resources.

Your Committee heard testimony from the Department of Land and Natural Resources that the Water Use and Development Plan, being prepared by each county as a part of the Hawaii Water Plan, will: address the cost of transporting water in areas which lack necessary water resources; inventory water sources; analyze land use policies which impact water use; and assess future water demands. The Department recommended deferral of the resolution.

Your Committee also heard testimony from the Board of Water Supply of the City and County of Honolulu stressing the importance of flexibility in the development and movement of water supplies.

Your Committee further heard testimony supporting the intent and purpose of this resolution from the Natural Resources Defense Council, Inc.

Based on the testimony submitted to your Committee, the following amendments have been made to this resolution:

- (1) The title and a BE IT RESOLVED clause have been re-worded to request interim reports on the progress in the development of the Hawaii Water Plan and the Water Use and Development Plans;
- (2) A new WHEREAS clause describes how the Hawaii Water Plan and its related plans will address the issue of the cost of transporting water;
- (3) A new BE IT FURTHER RESOLVED clause reiterates the fact that the Water Use and Development Plans are to address the cost of transporting water in areas which lack necessary water resources;
- (4) The requested interim reports are to be submitted to the Legislature prior to the convening of the Regular Session of 1990; and
- (5) Technical, nonsubstantive amendments have been made for purposes of style and clarity.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 109, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 109, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1621            Water and Land Use on H.R. No. 160**

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to develop an action plan for the protection of historic sites.

Your Committee heard testimony in support of this resolution from the Office of Hawaii Affairs, provided that it is included among the Hawaiian organizations providing assistance and suggestions to DLNR.

Your Committee also received testimony from DLNR which did not support the resolution. DLNR noted that an updating of the Historic Preservation Functional Plan is presently underway and that the completed plan will be submitted to the Governor for approval in 1990.

Your Committee, nevertheless, finds that a report on the progress of the planning efforts underway should be provided to the Legislature prior to the Regular Session of 1990 so that funding needs for implementation may be considered.

Your Committee has amended this resolution by inserting the Office of Hawaiian Affairs in the second BE IT FURTHER RESOLVED clause to ensure that it is a consulted party in the development of the plan.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 160, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 160, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1622            Water and Land Use on H.R. No. 318**

The purpose of this resolution is to assist the Oahu motor sports community that is faced with the loss of its lease to the Hawaii Raceway Park site by requesting the establishment of a task force to identify a suitable site on Oahu for a motor sports facility.

Your Committee finds that in order to prevent the proliferation of illegitimate racing events that could endanger the safety of drivers, spectators, and innocent victims, some type of racing facility should be provided to our citizens. It should be pointed out that racing facilities are currently provided on the counties of Kauai, Maui, and Hawaii.

Your Committee further finds that, if property conceived and located, a new motor sports facility might encourage the growth and development of motor sports events in the State, possibly to the level of even attracting national interest and attention to this State.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 318 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1623                      Water and Land Use on H.R. No. 265**

The purpose of this resolution is to assist businesses in the Kakaako Community Development District that suffer from decreased business activity as a result of the on-going improvement district construction work. This resolution requests the Hawaii Community Development Authority (HCDA) to mitigate this problem by implementing off-hour construction of its improvement district projects when it is determined to be economically feasible and not intrusive to nearby residents.

Your Committee received testimony in support of this resolution from HCDA and the Kakaako Improvement Association. HCDA noted that although it has taken measures to ease the day-to-day problems that the construction activities created for businesses, many of the problems were unavoidable. HCDA also testified that since the Improvement District 2 project is already underway, its report to the Legislature will focus on its efforts to implement off-hour construction for the Improvement District 3 project.

Your Committee has amended this resolution by inserting the name of HCDA in the BE IT RESOLVED clause and by making technical, non-substantive changes to the last BE IT FURTHER RESOLVED clause.

Your Committee on Water and Land Use concurs 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.

**SCRep. 1624                      Water and Land Use on H.R. No. 298**

The purpose of this resolution is to request the Department of Land and Natural Resources to reassess the 1983 Kawainui Marsh Resource Management Plan in light of the recent findings on the Marsh's reduced ability to serve as an effective flood control basin for the Kawainui Watershed and to have this reassessment take into consideration the results of the January 1, 1988 flood in Kailua as well as the changes that have occurred to the Marsh since the earthen levee was constructed in 1966.

Your Committee heard testimony from the Department of Land and Natural Resources indicating that the Resource Management Plan for Kawainui Marsh is a conceptual, strategic plan which outlines general goals, objectives, and actions for the marsh and surrounding area. The Resource Management Plan for Kawainui Marsh does not provide detailed land or water use proposals, but merely gives guidelines for the preparation of a comprehensive master plan and specific implementing actions. The Resource Management Plan for Kawainui Marsh mentions flood control only briefly by stating "integrity of the Marsh as a flood control and sedimentation basin must be maintained to the maximum extent feasible to protect Kailua town area from flooding and to maintain the quality of near shore waters. No assumptions are made concerning existing flood control facilities, nor are specific recommendations made for improvements for flood control. Therefore, a reevaluation of the Resource Management Plan for Kawainui Marsh to reflect more accurate flood control measures is inappropriate and not in keeping with the scope of the plan.

Testimony from the Department of Land and Natural Resources further indicated that a preferred alternative to reassessing the Resource Management Plan for Kawainui Marsh is to convene appropriate representatives from the State, County, and Federal agencies concerned with, and knowledgeable in, flood control technology and develop a flood control alternative.

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

- (1) Changed the title to reflect that the Department of Land and Natural Resources is requested to assist and cooperate with County and Federal departments, agencies, and authorities to plan and secure improved and greater flood control for Kawainui Marsh;
- (2) Deleted "reassess the 1983 Kawainui Marsh Resource Management Plan" and inserted "assist and cooperate with County and Federal departments, agencies, and authorities to plan and secure improved and greater flood control for Kawainui Marsh" in the BE IT RESOLVED clause;
- (3) Deleted "reassessment" and inserted "assistance and cooperation" in the first BE IT FURTHER RESOLVED clause; and
- (4) Deleted "findings and recommendations of this reassessment" and inserted "actions taken to provide this assistance and cooperation" in the second BE IT FURTHER RESOLVED clause.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 298, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 298, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Bellinger, Hashimoto, Hiraki, D. Ige and Hemmings.

**SCRep. 1625            Water and Land Use on H.R. No. 110**

The purpose of this resolution is to request the Department of Land and Natural Resources, with assistance from the University of Hawaii Water Resources Research Center and the Boards of Water Supply of the four counties to conduct an inventory and compile a report of all existing watersheds.

Your Committee received testimony from the Department of Land and Natural Resources that the Hawaii Water Plan would describe the occurrence of water resources throughout the State and designate discrete hydrologic units for management purposes. Within these hydrologic units, watersheds would be identified, present problems affecting their wise use would be brought forth, and better management practices would be proposed. Accordingly, the Department proposed that the resolution be deferred.

Your Committee also heard testimony from the University of Hawaii Environmental Center, the University of Hawaii Water Resources Research Center, and the Natural Resources Defense Council, Inc. agreeing with the purpose and intent of the resolution, noting that the Hawaii Water Plan is in preparation, and recommending non-substantive wording changes.

Upon further consideration, your Committee has amended this resolution as follows:

- (1) Replaced provisions requesting an inventory of all watersheds with language requesting interim reports on the progress of the Hawaii Water Plan and the Water Resource Protection Plan;
- (2) Deleted reference in the third WHEREAS clause relating to the concept of carrying capacity;
- (3) Deleted the first BE IT FURTHER RESOLVED clause that identified specific tasks to be undertaken as part of the inventory of all watersheds; and
- (4) Made technical, non-substantive amendments for purposes of style and clarity.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 110, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 110, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1626            Education on H.R. No. 22**

The purpose of this resolution is to request the Department of Accounting and General Services to develop a systematic program of repair and maintenance for all public libraries in the State.

The Department of Accounting and General Services and the State Librarian testified in favor of this resolution.

This resolution has been amended as follows:

- (a) The cost of renovating the Main Branch of the State Library has been changed from \$13 million to \$15 million.
- (b) Added a request that the Department of Accounting and General Services periodically inform the House of Representatives of its progress on developing the plan.
- (c) Eliminated the need to send a certified copy of this resolution to the Superintendent of Education.
- (d) Nonsubstantive amendments for the purpose of style and clarity.

Your Committee finds that the systematic repair and maintenance program for public school facilities has resulted in improved services to the schools. We believe that such a system will greatly improve the physical condition of our public libraries.

Your Committee on Education concurs with the intent and purpose of H.R. No. 22, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 22, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1627            Education on H.R. No. 29**

The purpose of this resolution is to request the Department of Education in consultation with the Department of Accounting and General Services and the Department of Budget and Finance to develop a prudent and feasible plan for funding all projects contained in Categories 1A and 1B of the CIP Matrix by the year 2000.

The Department of Education, the Department of Accounting and General Services and the Hawaii State Teachers Association testified in favor of this measure.

The Department of Accounting and General Services testified that a six year plan which would include funding the current backlog of categories 1A and 1B projects and the construction of new facilities to meet emerging needs would probably provide more meaningful data than a plan with a longer budgeting horizon. This resolution has been amended accordingly.

The Department of Education testified that \$800 million, rather than \$650 million, will be required for school facilities over the next decade. This resolution has been amended to reflect the correct amount.

Your Committee on Education concurs with the intent and purpose of H.R. No. 29, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 29, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1628            Education on H.R. No. 51**

The purpose of this resolution is to support the Department of Education in its efforts to develop a statewide repair and maintenance program of school facilities on an ongoing basis, and for the Department of Education to study innovative ways that could resolve the need for repairs and maintenance.

The Department of Accounting and General Services supported the intent of this measure and testified that a systematic repair and maintenance program has been developed and is being implemented at this time.

The Department of Education testified in favor of this resolution and asked that the title be amended to indicate that the Department of Accounting and General Services provides repair and maintenance services to the public school system, rather than the Department of Education. It was also pointed out that the Department of Education does not appropriate state funds.

Your Committee finds that funding for the systematic repair and maintenance program for public school facilities has been provided by the Legislature since fiscal year 1987-1988. The Department of Accounting and General Services has stated its intent to continue to work with the Legislature and the Department of Education to improve the system and to study innovative ways to maintain our school facilities in a good condition conducive to learning.

The title and the body of this resolution have been amended to request the Department of Accounting and General Services to study innovative methods of maintaining school facilities in such a way as to reduce the need for repairs, and to request a report of findings and recommendations prior to the Regular Session of 1990.

Your Committee has also made technical, nonsubstantive amendments to this resolution for purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.R. No. 51, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 51, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1629            Education on H.R. No. 23**

The purpose of this resolution is to urge the establishment of new categories of teachers within the teaching force.

The Department of Education testified in favor of this resolution. The Hawaii State Teachers Association testified that a strong professional teaching force is enhanced not merely by creating new categories of teachers, but through responsible legislative support and funding of programs, working conditions and adequate salaries.

Your Committee finds that the concept of differentiated staffing has the potential to accommodate flexible work schedules and student needs. However, the restructuring of roles and responsibilities will require study to arrive at a practical and effective design for implementation.

This title and the body of this resolution have been amended to request the Legislative Reference Bureau to evaluate the establishment of new categories of teachers, and to submit its findings to the Legislature twenty days prior to the convening of the Regular Session of 1990.

Your Committee on Education concurs with the intent and purpose of H.R. No. 23, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 23, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1630            Education on H.R. No. 329**

The purpose of this resolution is to request the Legislative Reference Bureau review options dealing with the creation of an Office of Literacy as contained in goal five of the Literacy Assessment Report.

When the Governor's Council for Literacy was established in 1987 it was placed under the administration of the Office of Children and Youth. This program represents a broad range of participating businesses, government agencies, unions and non-profit literacy and English as a Second Language providers. The Council initiates, promotes and develops interagency literacy projects, Private/public partnerships for literacy, and coordination of literacy services statewide.

The Department of Education and the Governor's Office of Children and Youth testified in favor of this measure.

Your Committee finds that the problem of literacy is a widespread community issue that pervades all ages and segments of our community. We believe that a review of options dealing with the creation of an Office of Literacy as recommended in the Literacy Assessment Report would be a needed step in facilitating leadership and coordination to combat illiteracy.

Your Committee on Education concurs with the intent and purpose of H.R. No. 329 and recommends its adoption.

Signed by all members of the Committee except Representatives Arakaki, Bunda, Hashimoto, D. Ige, Lee and Stegmaier.

**SCRep. 1631            Education on H.R. No. 57**

The purpose of this resolution is to urge the Board of Education and the Department of Education to commence the implementation of the recommendations of "The Hawaii Plan: Educational Excellence for the Pacific Era."

The Department of Education (Department) testified against this resolution. The Department indicated that they regard "The Hawaii Plan" as a catalyst, not a blueprint and that consensus has not yet been reached on some elements of the plan, such as governance and early childhood education. The Department testified that they believe that some areas of the plan still demand examination and thoughtful consideration before action is taken.

The Hawaii State Teachers Association also testified against this measure. They expressed the belief that the Department should not be locked into one report, but should also be held accountable for the goals, policy statements, and implementation action plans in the 1988 State Educational Functional Plan.

The Education Task Force of the American Freedom Coalition of Hawaii testified against the recommendation in "The Hawaii Plan" for universal early childhood education.

Your Committee finds that the Berman, Weiler report contains progressive ideas for producing quality education. We commend the Hawaii Business Roundtable for its outstanding contribution to the movement for educational reform in Hawaii's public school system. However, we believe that wholesale implementation of all of the recommendations in this report at this time would be precipitant and unwise. Extensive public discussion, prudent planning, and adequate funding is required before the Department commences implementation of the Berman, Weiler recommendations that are not already addressed in the Goals and Objectives of the Board of Education and the State Educational Functional Plan.

Your Committee has amended the title and the body of this resolution to delete all language referring to implementation. Instead, we have amended this measure to request that the Board of Education and the Department of Education evaluate "The Hawaii Plan" in conjunction with the Goals and Objectives of the Board of Education and the State Educational Functional Plan, and that the Board of Education hold public hearings to encourage input from principals, teachers, support staff, students, parents, and community members.

Other nonsubstantive amendments were made for the purpose of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.R. No. 57, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 57, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1632            Education on H.R. No. 124**

The purpose of this resolution is to request that the Department of Education conduct a study of hiring graders to assist teachers.

The Department of Education testified that the hiring of graders to assist teachers is a decision that is best made at the school level, and indicated that a study on this subject at the departmental level would not be appropriate.

The Hawaii State Teachers Association testified in favor of this measure, and suggested that class size in the secondary schools in the area of Language Arts/Writing be lowered in conjunction with the use of discretionary personnel pool funds to implement the intent of this resolution.

While your Committee agrees with the Department of Education that hiring decisions are best made at the school level, we find that the study called for in this measure could provide useful information to school personnel in making those decisions.

Your Committee on Education concurs with the intent and purpose of H.R. No. 124 and recommends its adoption.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1633 Education on H.R. No. 158**

The purpose of this resolution is to urge the Department of Education to construct a new library at Iroquois Point Elementary School.

The Department of Education, the Iroquois Point Elementary School Parent Teacher Association, and the Iroquois Point Elementary School Librarian testified in favor of this measure.

Your Committee finds that the Department of Education has not yet developed a master plan for Iroquois Point Elementary School. Your Committee believes that a master plan should be developed for the school and that priorities should be developed including those for an adequate library facility.

The title and the body of this measure have been amended accordingly.

Your Committee on Education concurs with the intent and purpose of H.R. No. 158, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 158, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1634 Education on H.R. No. 20**

The purpose of this resolution is to request the Department of Education to study the effects of the consolidated approach to alternative learning centers.

The Department of Education testified that the consolidated approach to alternative learning centers is not a new strategy, and has been in practice at alternative learning sites such as Olomana School, Storefront School and the Hilo High-Intermediate Alternative Learning Center for a number of years. The Department of Education also testified that the study requested in this resolution is not necessary.

However, your Committee believes that there are disadvantages as well as advantages in consolidating alternative learning centers, and that an evaluation of the consolidation being implemented in the Honolulu District at Anuenue School would probably provide the Legislature with information of value in making future budgetary decisions related to this program.

Your Committee on Education concurs with the intent and purpose of H.R. No. 20, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 20, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1635 Education on H.R. No. 185**

The purpose of this resolution is request that the Board of Education consider the adoption of a policy of displaying both the American and Hawaiian flags in every classroom in the public schools.

The Department of Education, the Hawaii State Teachers Association and Neighborhood Board No. 18 testified in favor of this measure. The Department of Education expressed concern regarding the cost implications of providing flags for the six thousand classrooms in the public schools, and questioned whether organizations such as the American Legion could bear the entire cost.

Your Committee has amended this measure by deleting the reference to contributions by private organizations and by adding language requesting that the Board of Education study the cost implications before considering adopting such a policy.

Your Committee on Education concurs with the intent and purpose of H.R. No. 185, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 185, H.D. 1.

Signed by all members of the Committee except Representatives Bunda and D. Ige.

**SCRep. 1636 Education on H.R. No. 143**

The purpose of this resolution is to request the Waianae-Nanakuli Teacher Retention Task Force to continue its work through the 1989 interim and report its findings and recommendations to the Regular Session of 1990.

The Department of Education, the Hawaii State Teachers Association and the principal of Nanakuli Elementary School testified in favor of this measure.

Your Committee on Education concurs with the intent and purpose of H.R. No. 143 and recommends its adoption.

Signed by all members of the Committee except Representatives Bunda and D. Ige.



**SCRep. 1637 Education on H.R. No. 304**

The purpose of this resolution is to request the Department of Education to convene district task forces composed of representatives from concerned student bodies, parents, senior class advisors, and administrators from district high schools, community and business leaders, and school advisory council members to determine specific expenses surrounding school-sponsored high school graduation and social activities in the district, the proportion of students denied participation or unduly burdened by senior high school expenses, and a determination of whether a cap on expenses should be imposed or alternative activities designed in order to guarantee equal opportunity for participation by all students.

Your Committee finds that senior year social events in our public high school impose an untenable economic burden on a significant portion of our population and prohibits access for many students.

Your Committee on Education concurs with the intent and purpose of H.R. No. 304 and recommends its adoption.

Signed by all members of the Committee except Representatives Arakaki, Bunda, Hashimoto, D. Ige, Lee and Stegmaier.

**SCRep. 1638 Education on H.R. No. 77**

The purpose of this resolution is to request the Department of Education to study the feasibility of implementing a school-related crime prevention and education program, modeled after the Honolulu Police Department's Crime-Stopper Program, as a way of addressing the multi-million dollar school-related crime problem.

The Department of Education testified against this resolution, and indicated that several avenues are already available to accomplish the purpose of this measure.

Your Committee finds that crime in the schools is a serious concern of employees of the Department of Education, public school students, and their parents. The title and body of this resolution have been amended to request the Department of Education to report on the status of crime-prevention programs in the public school.

Your Committee on Education concurs with the intent and purpose of H.R. No. 77, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 77, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki, Bunda and D. Ige.

**SCRep. 1639 Education on H.R. No. 25**

The purpose of this resolution is to request that the Superintendent of Education undertake a study concerning the feasibility of restructuring the secondary schools as proposed in the Berman Report.

The Department of Education and the Concerned Women of America testified in favor of this measure. The Hawaii State Teachers Association (HSTA) expressed reservations regarding the intent of this resolution and its narrow focus. HSTA suggested that the scope of the study be expanded to consider all relevant curriculum proposals which will enhance learning.

Your Committee is aware that the Department of Education will be reviewing the entire curriculum using a task force approach, with representation and input from a range of community and professional sources. Recommendations of progress made by the task force will be reported to the Legislature during the 1990 Regular Session.

Your Committee finds that the report prepared by Berman, Weiler Associates and commissioned by the Hawaii Business Roundtable has stimulated interest in educational reform. We believe that a study of the reorganization of secondary schools should be undertaken in conjunction with the work of the Department's curriculum task force.

Since the Berman report recommends providing specialized training for students to prepare them for transition into the job market, this resolution has been amended to request that the study be conducted in cooperation with labor and business groups. A reference to testing tenth grade students in core curriculum subjects has been included. This measure has also been amended to request that all relevant curriculum proposals be considered along with the Berman, Weiler recommendations. Your Committee has also made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.R. No. 25, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 25, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki, Bunda and D. Ige.

**SCRep. 1640 Education on H.R. No. 136**

The purpose of this resolution is to have the Department of Education convene a meeting of various athletic directors and representatives of officiating organizations to adopt uniform rules and regulations for high school athletics and report its findings and recommendations to the Legislature twenty days before the convening of the Regular Session of 1990.

Problems have occurred during interisland or interstate athletic events because of a lack of standard rules directed from a single authority. Variation of rules and interpretation of rules have caused disputes and disharmony.

Although several athletic representatives testified in favor of this resolution, the Department of Education indicated that the resolution was not necessary because an Athletic Issues Review Committee has already been formed.

Your Committee finds that the development of statewide standards for athletic activities and officiating will improve the interscholastic athletics program. We believe that the Department of Education should ask the Athletic Issues Review Committee to develop standardized rules for athletic activities. This resolution has been amended accordingly.

Your Committee on Education concurs with the intent and purpose of H.R. No. 136, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 136, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki, Bunda, Hashimoto, D. Ige, Lee and Stegmaier.

**SCRep. 1641 Intergovernmental Relations and International Affairs on H.R. No. 179**

The purpose of this resolution is to look into the feasibility of providing a "Hush House" for the Kaneohe Marine Corps Air Station.

Your Committee feels that a serious noise pollution to the Windward Community is caused by necessary jet engine test runs prior to flight operations. This resolution requests the Marine Corps Air Station construct a "Hush House" which should eliminate the irritant.

Your Committee has amended the resolution to have the Marine Corps Air Station, Kaneohe Bay, to submit its findings to the Legislature twenty days prior to the convening of the 1990 Regular Session.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 179, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 179, H.D. 1.

**SCRep. 1642 Intergovernmental Relations and International Affairs on H.R. No. 92**

The purpose of this resolution is to request a nuclear weapons test ban.

Testimony in favor of requesting a nuclear test ban was overwhelming. They have echoed an increasing outcry among nations urging the United States to respond immediately to the Soviet Union's offer of a mutual and verifiable suspension of testing. Noteworthy among the testimony was personally presented by Reverend William Sloane Coffin, the world renowned figure in Peace, Civil Rights, and nuclear weapon's issues.

As Hawaii is the nation's showcase of a successful multi-ethnic state, it is very fitting that this body urge the President of the United States to take this step towards peaceful coexistence in the world.

Your Committee has amended this resolution to send additional copies of this resolution to the Speaker of the United States House, the President of the United States Senate, the Chairman of the United States Senate-Arms Services Committee, and the Chairman of the United States House-Arms Services Committee.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 92, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 92, H.D. 1.

Signed by all members of the Committee except Representatives Bybee, Horita, Kotani, Souki, Tajiri, Takamine, Anderson and Marumoto.

**SCRep. 1643 Intergovernmental Relations and International Affairs on H.R. No. 141**

The purpose of this resolution is to request the Governor to report on plans for the activities on the State Information Services, including a timetable for the establishment of satellite offices in other counties and the specific services to the public that will be provided by the satellite offices.

Your Committee received testimony in support of this issue from the Office of the Governor, State of Hawaii.

Your Committee has made technical, non-substantive amendments.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 141, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 141, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1644 Intergovernmental Relations and International Affairs on H.R. No. 272**

The purpose of this resolution is to urge the City and County of Honolulu to take immediate action to construct the Waialua-Haleiwa wastewater treatment and disposal system.

Your Committee received favorable testimony from Rene Mansho, City Councilperson, Austin Smith, President, Waialua Community Association, and Meryl Andersen, Chair, Neighborhood Board.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 272 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1645 Intergovernmental Relations and International Affairs on H.R. No. 273**

The purpose of this resolution is to request Hawaii's Congressional Delegation to oppose the proposal to allow visas to be granted based on such considerations as education, profession, work experience, and English-Language capability.

Your Committee received testimony in favor of this issue from William Hoshijo, Executive Director of Na Loio No Na Kanaka.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 273 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1646 Intergovernmental Relations and International Affairs on H.R. No. 133**

The purpose of this resolution as received was requesting the United States Congress to prepare and submit a constitutional amendment requiring a balanced federal budget, or to call a constitutional convention to propose such a constitutional amendment.

Your Committee feels that every family has to struggle with balancing its resources and its desires to maintain its financial stability and not leave an intolerable debt burden for its descendants. Therefore, it is important that the government take action to correct this situation and reinstitute the practice of regularly balancing the federal budget on the part of the executive and legislative branches.

Your Committee has amended this resolution to urge our Federal Leaders to work toward balancing the Federal Deficit and by changing the title to read: "REQUESTING THE UNITED STATES CONGRESS TO WORK TOWARD REDUCING THE FEDERAL DEFICIT".

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 133, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 133, H.D. 1.

Signed by all members of the Committee except Representatives Bybee, Horita, Kotani, Souki, Tajiri, Takamine, Anderson and Marumoto.

**SCRep. 1647 Intergovernmental Relations and International Affairs and Health on H.R. No. 317**

The purpose of this resolution is to request the Department of Health to apply for Federal matching grants to build state nursing homes for veterans on the Islands of Hawaii, Maui, and Kauai.

Testimony presented at the hearing pointed out that there are over 100,000 veterans residing in this state. This is about 10 percent of our total population, making Hawaii has the highest ratio of veterans per capita in the nation. Therefore, your committee feels that addressing this issue is very important.

Your Committees on Intergovernmental Relations and International Affairs and Health concur with the intent and purpose of H.R. No. 317 and recommend its adoption.

Signed by all members of the Committees except Representatives Duldulao, Ihara, Souki and Liu.

**SCRep. 1648 Intergovernmental Relations and International Affairs and Human Services on H.R. No. 267**

The purpose of this resolution is to urge the United States Congress to eliminate the social security penalty against elderly recipients who live with their families.

Caring for elderly parents at home is a traditional and customary practice in Hawaii. It may even be considered a socially beneficial practice for all Americans, and such practice should be encouraged rather than penalized by our Social Security laws.

Your Committee received testimony in favor of this issue from Kenneth Uyeda, Chairman, Hawaii State Legislative Committee, American Association of Retired Persons.

Your Committees on Intergovernmental Relations and International Affairs and Human Services concur with the intent and purpose of H.R. No. 267 and recommend its adoption.

Signed by all members of the Committees except Representatives Duldulao, Ihara and Liu.

**SCRep. 1649 Economic Development and Hawaiian Affairs on H.R. No. 206**

The purpose of this resolution is to request the Governor of the State of Hawaii to establish July 31st as Hawaiian Flag Day.

The Hawaiian flag has had a long and colorful history in the Hawaiian Islands dating as far back as the time of Kamehameha the Great. The Flag has been an integral part of island history serving Hawaii as the flag of the Kingdom, then later as the flag of the Republic, the Territory, and now the State of Hawaii.

Your Committee has adopted the recommendations of the Office of Hawaiian Affairs by amending the title of this resolution and to have the Governor establish July 31 as Hawaiian Flag Day which will be commemorated annually.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 206, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 206, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1650 Economic Development and Hawaiian Affairs on H.R. No. 221**

The purpose of this resolution is to request that Congress and the President of the United States provide the necessary funding for the development of infrastructure on Hawaiian home lands as a means of accelerating the distribution of house and farm lots to eligible native Hawaiians.

Your Committee has heard testimony in support of this resolution from the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and Alu Like.

In 1981, a Federal-State Task Force was convened to review the Hawaiian Home Lands program. It recommended that the state and federal governments should each make matching contributions of \$25 million per year in appropriations or needed services for a period of five years. Your Committee finds that while the United States government retains certain oversight responsibilities for the program, very little has been contributed in funds or services. This year, for the first time, just over \$1 million in federal funds are being made available to the Department of Hawaiian Home Lands. It is evident, however, that much more assistance from the federal government should be made available.

Your Committee has amended the resolution by broadening its scope to request that the federal government also provide services. For example, the federal government can extend program support by providing federal personnel to assist the department in areas requiring technical expertise. Another means of support is the inclusion of native Hawaiians in other federal assistance programs.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 221, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 221, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1651 Economic Development and Hawaiian Affairs on H.R. No. 307**

The purpose of this resolution is to request that all individuals and organizations in Hawaii support the "Aloha Sunshine Around the World" project.

This project is part of the "Keiki to Keiki with Aloha" program which seeks to promote world peace through projects encouraging communication between children of the world. The "Aloha Sunshine Around the World" project will invite children throughout the world to send delegations to Hawaii to celebrate Mother's Day with a festival of song and dance to be communicated to the world through various telecommunications technologies.

Your Committee has amended this resolution to recognize the value of the "Aloha Sunshine Around the World" project and to encourage Hawaii's keikis to participate in the project and other projects of the "Keiki to Keiki with Aloha" program.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 307, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 307, H.D. 1.

Signed by all members of the Committee except Representative Isbell.

**SCRep. 1652 Economic Development and Hawaiian Affairs on H.R. No. 351**

The purpose of this resolution is to request the High Technology Development Corporation to undertake a study and prepare a report to recommend a state policy regarding rental rates charged to public or quasi-public organizations which serve as tenants of public innovation or incubator centers.

Your Committee received testimony in support of this resolution from the University of Hawaii, the Pacific International Center for High Technology Development, the Research Corporation of the University of Hawaii, and the High

Technology Development Corporation. The High Technology Development Corporation suggested that the study be done by an outside agency.

Your Committee has amended this resolution by requesting that the study be done by the Office of State Planning. Your Committee has also amended the title and body of the resolution to request that the study be expanded to include other state-owned facilities operated by public or quasi-public agencies, such as the state film studio. Other technical, nonsubstantive amendments have been made for purposes of style and clarity.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 351, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 351, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1653            Economic Development and Hawaiian Affairs on H.R. No. 412**

The purpose of this resolution is to have the State of Hawaii make a firm commitment to vigorously pursue the development of aerospace ground support facilities by preparing a report identifying the nature, extent, and applications of existing space-based resources and their ground support facilities within the State.

Your Committee received testimony supporting the intent of this measure from the Department of Business and Economic Development, Economic Development Corporation of Honolulu (EDCH), and the Pacific Space Center.

Your Committee has amended this resolution by stating the Legislature's intent to support the establishment of a ground station in Hawaii.

Your Committee has further amended this resolution by having the Department of Business and Economic Development and the Pacific Space Center jointly prepare a report addressing the potential economic benefits of a ground station.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 412, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 412, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1654            Economic Development and Hawaiian Affairs on H.R. No. 142**

The purpose of this resolution is to urge the Office of Hawaiian Affairs to support the efforts of nonresident native Hawaiians in obtaining federal assistance.

Your Committee finds that the drive to obtain federal assistance for native Hawaiians should be a concerted group effort by all native Hawaiians regardless of where they reside.

Your Committee received testimony in support of this resolution from the Office of Hawaiian Affairs, Alu Like, and native Hawaiians residing abroad.

Your Committee has amended this resolution to include suggestions made by the Office of Hawaiian Affairs to delete the stated number of native Hawaiians residing abroad.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 142, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 142, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1655            Economic Development and Hawaiian Affairs on H.R. No. 222**

The purpose of this resolution is to urge Congress to pass legislation conferring standing to sue in the federal district courts upon the State of Hawaii and its native beneficiaries for breach of the native land trusts.

Your Committee finds that the United States government has neglected the implementation of the Hawaiian Homes Commission Act of 1920. As a result of this neglect, native Hawaiians have not been awarded the benefits entitled to them under this act.

Your Committee received testimony from the Office of Hawaiian Affairs, Department of Hawaiian Home Lands, and Alu Like in support of this measure.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 222 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1656            Economic Development and Hawaiian Affairs on H.R. No. 220**

The purpose of this resolution is to request Congress and the President to provide just compensation to the Hawaiian people for losses related to the overthrow of the Hawaiian monarchy.

Your Committee finds that the Legislature should restate its commitment in insuring that the Hawaiian people are not denied justice relating to the overthrow of the Hawaiian monarchy by the American government in 1893.

Your Committee received testimony from the Office of Hawaiian Affairs and Alu Like in support of this measure.

It was suggested that language currently in the resolution may present an inaccurate or distorted description of what happened in 1893 and Hawaiian claims could be severely damaged by this language. Your Committee has amended the resolution to reflect this concern by inserting language suggested by the Office of Hawaiian Affairs.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 220, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 220, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1657            Economic Development and Hawaiian Affairs on H.R. No. 390**

The purpose of this resolution is to request that the Governor of the State of Hawaii appoint a Task Force that would address the current health needs of Hawaiians and Native Hawaiians.

This Task Force would be commissioned to investigate the availability of health resources for the Hawaiian community, take inventory of current services and programs now being provided, assess their use and accessibility, analyze the level of coordination between services and programs, identify critical needs and requirements that need to be addressed in the future, and make recommendations on improving accessibility, coordination, and provision of services and programs for currently unmet needs.

Your Committee has adopted the recommendations of the Office of Hawaiian Affairs by making some substantial language corrections and additions. These amendments clarify the number of members to be appointed to this task force and also includes significant Hawaiian organizations who already are involved in providing various kinds of services to Hawaiians and Native Hawaiians. The amendments also make room for other Hawaiian organizations to get involved if they so choose.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 390, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 390, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1658            Economic Development and Hawaiian Affairs on H.R. No. 324**

The purpose of this resolution is to request that the Department of Business and Economic Development study the feasibility of establishing general trading companies in Hawaii.

Your Committee finds that the establishment of general trading companies in Hawaii would serve to fulfill Hawaii's goal of becoming a financial center of the Pacific by serving as financial intermediaries for mainland businesses seeking to do business with Asia and smaller Asian businesses wanting to export to the United States.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 324 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1659            Higher Education and the Arts on H.R. No. 310**

The purpose of this resolution is to request the State Foundation on Culture and the Arts and the Hawaii State Film Industry Branch to form a task force committee to address the problems of Hawaii's artists, producers and others in the production of films and videos.

Your Committee heard testimony in support of this resolution from the State Foundation on Culture and the Arts, the Department of Business and Economic Development and persons in the field of film and video production. All of the testifiers agreed that a task force would be helpful in bringing together those interested in the development of the film and video industry in Hawaii.

Your Committee has amended this resolution to allow the Governor greater flexibility in selecting the members of the task force.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 310, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 310, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1660 Higher Education and the Arts on H.R. No. 270**

The purpose of this resolution is to request the University of Hawaii to submit a report of its long range plans and organization of programs to increase the enrollment and graduation rates of underrepresented minority students.

Your Committee heard testimony in favor of the resolution from the University of Hawaii and from a concerned minority student.

Your Committee finds that the University of Hawaii is currently making efforts to increase minority participation through various programs such as Operation Kua'ana and Operation Manong. A report to the Legislature will help to clarify the University's goals and suggest coordinated efforts with the Department of Education, private schools and State affirmative action programs.

Your Committee has made a technical, nonsubstantive amendment.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 270, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 270, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1661 Higher Education and the Arts on H.R. No. 128**

The purpose of this resolution is to request the University of Hawaii to dismiss the proposed policy change on student involvement in academic decision making.

Your Committee heard testimony in favor of the resolution from the Associated Students of the University of Hawaii Lobbying Committee, the Student Bar Association and several university students. The University of Hawaii testified that the proposed policy is only in the initial stage of soliciting comments at this time. They stressed that the proposed policy has not been enacted.

Your Committee finds that the current University policy of student involvement in academic decision making is beneficial to the students and the University. Your Committee recommends that the university not take a step backward but move forward by allowing more student involvement in these decisions. The resolution has been amended to reflect these sentiments.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 128, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 128, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1662 Higher Education and the Arts on H.R. No. 244**

The purpose of this resolution is to request the University of Hawaii to review student academic services on the Manoa campus for the purposes of assessing student needs, identifying strengths and weaknesses, and planning for new functions or new patterns of service delivery.

The University of Hawaii submitted testimony in support of the resolution, expressing its willingness to undertake a comprehensive survey of students, faculty, and staff to gain a full perspective on this complex and important area.

Your Committee finds that substantial and relevant student services enhances the educational environment and improves the potential for the success of students in their quest for higher learning. Since student needs are not static, periodic review of student services is necessary to maintain relevance.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 244 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1663 Higher Education and the Arts on H.R. No. 269**

The purpose of this resolution is to request the University of Hawaii to submit a report on its status and plans for the Center for Philippine Studies.

Your Committee heard testimony in favor of the resolution from the University of Hawaii and from a student at the University of Hawaii at Manoa.

With the increased size of the Filipino community in Hawaii and the increasing importance of the Philippines in the Asia-Pacific region, your Committee feels that progress should continue in the area of Philippine studies.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 269 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1664 Higher Education and the Arts on H.R. No. 30**

The purpose of this resolution is to request the State Foundation on Culture and the Arts review Chapter 42, Hawaii Revised Statutes, to determine what provisions need to be changed to allow the awarding of fellowships to artists, and to submit proposed legislation that will enable artists to receive these fellowships.

Your Committee heard testimony in support of this resolution from the State Foundation on Culture and the Arts. Your Committee finds that Chapter 42, Hawaii Revised Statutes, requirements prevent the funding of fellowships for artists.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 30 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1665 Planning, Energy and Environmental Protection on H.R. No. 352**

The purpose of this resolution is to encourage the planting of native trees and other selected tree species in order to promote a comprehensive forestation ethic for the State.

Forest ecosystems represent a valuable resource for the State. In addition to producing oxygen and providing an aesthetic viewshed, vigorous forests are the cornerstone to the sustainability of our watersheds. Well managed forest ecosystems inhibit soil erosion and prevent accelerated run-off. They also provide a critical habitat for endangered birds and other island wildlife. When forests are properly managed, symbiotic relationships may result in harvestable timber, an economic asset.

Your Committee has amended this resolution by recommending that the Department of Land and Natural Resources (DLNR) and the Department of Business and Economic Development (DBED) meet and work with concerned and interested organizations to discuss the development of environmentally sound forestry practices. Such groups might include representatives from major land holders, ranchers, or forestry organizations.

Your Committee has further amended this bill by adding that the result of the meeting between the DLNR, DBED and the other interested parties is to disseminate educational information on current methods of tropical forestry.

Your Committee has further amended this bill for purposes of style, consistency and clarity.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 352, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 352, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Fukunaga, Hiraki, Say and Hemmings.

**SCRep. 1666 Planning, Energy and Environmental Protection on H.R. No. 257**

The purpose of this resolution, as received by your Committee, is to request the Department of Health (DOH) to report on the establishment of interim action levels for contaminants in water.

Testimony from the DOH indicated that the mandates of Act 297, Session Laws of Hawaii 1987 are being met. Therefore, your Committee finds that there is no apparent need for the report requested by this resolution as received. However, your Committee feels that the purpose of H.C.R. No. 331, which requests the DOH to report on systems available to replace cesspools, should be expressed in a House Resolution.

Thus, your Committee has amended this resolution by deleting its substantive provisions and inserting the provisions found in H.C.R. No. 331. The title, as amended, now reads: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON SYSTEMS AVAILABLE TO REPLACE CESSPOOLS."

Your Committee finds that the DOH's proposed prohibition on cesspool installation throughout the State may be a financial strain for many homeowners and developers, consequently information on economically feasible alternative systems should be available to the public.

DOH has indicated that they have information on alternative systems. Your Committee finds that a report containing information on the safety, costs, expenses, and expertise necessary to install alternative systems would be beneficial.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 257, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 257, H.D. 1.

Signed by all members of the Committee except Representative Fukunaga.

**SCRep. 1667 Consumer Protection and Commerce on H.R. No. 130**

The purpose of this resolution is to achieve the investigation of rate reductions for inter-island telephone services.

This resolution seeks to achieve the following:



- (1) To have Hawaiian Telephone Company ("Hawaiian Tel") consider immediate and substantial rate reductions for inter-island services, comparable to rate levels and rate relationships existing elsewhere in the United States;
- (2) To have the Public Utilities Commission conduct a comprehensive generic rate structure investigation, which will include and examination of the revenue requirement of each discrete category of service;
- (3) To have the favorable consequences of competitive influences existing elsewhere for intra-LATA and inter-LATA services be considered and sought on behalf of Hawaii's user's of toll services; and
- (4) To have copies of the resolution forwarded to the chairman of the Hawaii Public Utilities Commission, the president of Hawaiian Tel, the director of the Department of Business and Economic Development, and the executive director of the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs.

Testimony in support of this resolution was presented by the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("DCCA"). DCCA submitted that a rate reduction is in order given declining costs of providing inter-island long distance toll services, and data showing that Hawaiian Tel is earning profits in excess of authorized level of earnings for such services. DCCA supported the rate structure investigation because the last comprehensive generic rate structure investigation commenced about eleven years ago, and was not completed because of major regulatory changes dictated by the Federal Communications Commission and the movement toward more cost-related charges. It submitted that the Public Utilities Commission should have the discretion to inject competitive influences in various telecommunications markets in the State, including inter-island services, on a case-by-case basis, after an investigation.

The Public Utilities Commission ("PUC") stated that it supported a reduction in inter-island rates, if one is warranted and if the economies intended by a rate reduction will be achieved. It advocated that pertinent findings of the report of the Legislative Auditor entitled, "Telecommunications in Hawaii: Policy, Economics, and a Changing Industry", which was conducted pursuant to Act 331, SLH 1988, be confirmed before undertaking an investigation of inter-island rates. The PUC suggested that the scope of the investigation be narrowed.

Hawaii Tel was opposed to the resolution because they felt the resolution was based on highly flawed information provided by the Legislative Auditor's study of telecommunications in Hawaii. Hawaiian Tel stated that they had not had a rate increase to inter-island rates since 1984 and the 1984 rate increase was ordered by the PUC as part of an increase awarded from a 1983 general rate case. Since 1984, Hawaii Tel stated that they have steadily reduced inter-island rates in the form of rate reductions and discount plans, an example of which is the frequent caller program introduced last year.

Upon further consideration, your Committee has amended this resolution by deleting resolve paragraphs (1), (2) and (3), and replacing them with the following:

- (1) That the observations of the Legislative Auditor's report be confirmed with respect to the high level of prices for inter-island telephone services and the reasonableness of the level of earnings; and
- (2) That if the Legislative Auditor's observations are confirmed, then the PUC shall investigate the cost of providing inter-island telephone services and the effect of a rate reduction for such services on the cost of providing other services.

Your Committee would like the PUC to consider opening the inter-island telecommunication services among competitors to promote equitable availability of all the resources of all the islands of the State, accelerate the economic development of the Neighbor Islands, enhance employment opportunities and reduce costs of producing Hawaii's goods and services.

Your Committee would like the PUC to consider opening the inter-island telecommunication services among competitors to promote equitable availability to all the resources of all the islands of the State, accelerate the economic development of the Neighbor Islands, enhance employment opportunities and reduce costs of producing Hawaii's goods and services.

Technical, nonsubstantive amendments have also been made to this resolution for the purposes of style and clarity.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of H.R. No. 130, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 130, H.D. 1.

Signed by all members of the Committee except Representatives Peters and Cavasso.

#### **SCRep. 1668 Consumer Protection and Commerce on H.R. No. 26**

The purpose of this resolution is to request that the House Committee on Commerce and Consumer Affairs [sic] study the impact on voluntary lease to fee conversions of Act 298, S.L.H. 1988, which provides for a right of first refusal.

Act 298, S.L.H. 1988, specifies that when the leased fee interest in land under a condominium or cooperative project is to be sold, the seller must give the association of owners or the cooperative housing corporation the right of first refusal to purchase the leased fee interest for the same price as contained in the written purchase offer. This law was enacted in an effort to encourage voluntary conversions of leasehold land to fee simple. This resolution would have your Committee study the effects of this Act on voluntary lease to fee conversions.

The Bishop Estate, the Housing and Finance Development Corporation, the Hawaii Independent Condominium and Cooperative Owners, the Hawaii Leaseholders Equity Association Coalition, and others submitted testimony in support of this resolution.

Your Committee believes that a study of the impact of Act 298, S.L.H. 1988, on voluntary lease to fee conversions is necessary in order to more completely evaluate the issue of the concerns which have been recently expressed relating to the right of first refusal.

Your Committee agrees with the small landowners association that this study should not be limited to an analysis of the impact of Act 298, S.L.H. 1988 on lessees alone, and has amended this resolution so as to clarify that the study shall consider the effects of the Act on both lessors and lessees. Technical amendments have also been made to clearly state that the study will be conducted by House Committee on Consumer Protection and Commerce.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 26, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 26, H.D. 1.

Signed by all members of the Committee except Representative Cavasso.

**SCRep. 1669 Consumer Protection and Commerce on H.R. No. 186**

The purpose of this resolution is to request toy retailers in Hawaii to voluntarily stop selling replica firearms and realistic toy guns which look like real guns in size, color, and shape.

Your Committee understands that toy manufacturers have increased sales of war toys by seven hundred per cent since 1982 by promoting the use of war toys through the national distribution of violent television cartoon programs developed to promote these toys. Realistic toy guns have been used with increasing frequency in violent crimes, sometimes precipitating the use of real guns and resulting in shootings and death when the toys were mistaken for real weapons. A number of individuals and organizations throughout the country believe that the sale of realistic toy guns and other toys promoting violence encourages aggressive behavior and violence in young children.

Testimony in support of this resolution was presented by the American Friends Service Committee, the Retail Merchants of Hawaii, the Young Women's Christian Association of Oahu, and Liberty House. It was submitted that because children learn from their play, a society interested in peace cannot allow the influence of war toys to go unchallenged. Your Committee was also informed that the governments of Sweden and Finland have banned war toys.

The Retail Merchants of Hawaii, a one thousand member retail trade association, stated that if this resolution is passed, the association would probably take action on it. The association agreed to advise your Committee of the resolution's impact.

Your Committee finds that this resolution is a positive step toward educating retailers and the public of the adverse effects of child's play involving replica firearms and realistic toy guns.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of H.R. No. 186 and recommends its adoption.

Signed by all members of the Committee except Representative Metcalf.

**SCRep. 1670 Transportation on H.R. No. 203**

The purpose of this resolution is to request the Department of Transportation to study the feasibility of establishing passing lanes on the Kamehameha Highway between Kahaluu and Haleiwa, with emphasis on the stretch between Kahaluu and Kahuku.

Your Committee received testimony in favor of this resolution from the Department of Transportation.

Your Committee finds that Kamehameha Highway is the major thoroughfare on the windward coast of Oahu, and is a narrow, winding two lane road for most of the distance from Kahaluu to Haleiwa. Your Committee further finds that Kamehameha Highway is heavily travelled by both residents and visitors to Oahu, and there is a need to alleviate traffic congestion on this thoroughfare by creating passing lanes.

Your Committee has amended this resolution to correct a typographical error.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 203, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 203, H.D. 1.

Signed by all members of the Committee except Representatives Horita, Souki and Marumoto.

**SCRep. 1671 Transportation on H.R. No. 135**

The purpose of this resolution is to request that the State Department of Transportation commence the reconstruction of the boat ramp in Waimanalo.

Your Committee received testimony in favor of this resolution from the Department of Transportation.

Your Committee finds that the Department of Transportation would be unable to commence reconstruction of the boat ramp since no funding is available nor has any funding been programmed.

Your Committee has amended this resolution to request that the department conduct a study on the feasibility of reconstructing the boat ramp at Kaiona Beach Park, Waimanalo, Oahu. Your Committee has further amended this resolution to request that the Director of Transportation submit a report of the findings and recommendations of the study to the 1990 Legislature. Your Committee has also amended this resolution by amending its title.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 135, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 135, H.D. 1.

Signed by all members of the Committee except Representatives Horita, Souki and Marumoto.

**SCRep. 1672            Judiciary on H.R. No. 394**

The purpose of this resolution as evidenced by its title, is to reaffirm Hawaii's commitment to language rights.

Your Committee finds that the purpose of this resolution is supported by Article XV, Section 4, of the Hawaii State Constitution whereby both English and Hawaiian are declared the official languages of the State.

This measure would establish that "English only" is not the policy of this State; and would further establish the legislature's support of efforts to protect the rights of non-English speakers.

In opposing the "English only" campaign we affirm the principles of democratic and cultural pluralism and deny tendencies toward xenophobia and intolerance.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, the Hawaii State Teachers Association, the International Longshoremen and Warehousemen's Union, the Oahu Filipino Community Council, Na Loio No Na Kanaka, and Catholic charities.

Your Committee has made a technical, non-substantive amendment to correct a typographical error.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 394, as amended herein, and recommends its adoption in the form attached hereto as H.R. NO. 394, H.D. 1.

Signed by all members of the Committee except Representatives Andrews, Peters, Takamine, Yoshimura, Anderson and Cavasso.

**SCRep. 1673            Judiciary on H.R. No. 386**

The purpose of this resolution is to recognize the rights of victims of crimes against the person and property and to show continued support for these victims by recognizing April 9-15, 1989 as Victims Rights Week.

Your Committee received supporting testimony from the Victim/Witness Kokua Service and from the Department of Corrections, citing the importance of rights for the victims of crime and supports the passage of the resolution.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 386 and recommends its adoption.

Signed by all members of the Committee except Representatives Andrews, Peters, Takamine, Yoshimura, Anderson and Cavasso.

**SCRep. 1674            Judiciary on H.R. No. 233**

The purpose of this resolution is to request the Department of Human Services to establish a committee to review our State's laws concerning child abuse.

Your Committee notes that various chapters in the Hawaii Revised Statutes, such as chapter 321, 346, 350, 571, and 587 were all intended to be parts of a common plan to provide a uniform and concerted system of protection to abused or neglected children. Your Committee finds it is necessary to review all state laws relative to child abuse to ascertain whether they are adequate, inconsistent, or overlapping to each other.

Your Committee received testimony in support of this resolution from the Director of Human Services, and the Superintendent of Education who concurs with your Committee's efforts to enhance interagency coordination.

In light of the magnitude of the study envisioned in this resolution, your Committee has amended it so as to afford the Department of Human Services more time to adequately address the issues. As amended, the department will submit a preliminary report twenty days prior to the convening of the 1990 Regular Session, followed by a complete report to be submitted twenty days prior to the convening of the 1991 Regular Session.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 233, H.D. 1 as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 233, H.D. 2.

Signed by all members of the Committee except Representatives Amaral, Cachola, Hayes, Hiraki, Hirono, Okamura, Shon and Cavasso.

**SCRep. 1675            Judiciary on H.R. No. 413**

The purpose of this resolution is to request the Chief Justice to take action to implement the recommendations made by the Legislative Auditor in its 1989 Management and Financial Audit of the Judiciary of the State of Hawaii.

Your Committee's concern regarding the operation of the State Judiciary is reflected in the recently conducted audit where it was noted that the Judiciary in recent years has experienced an exponential growth in terms of responsibilities, funding, and position counts. Internal management procedures and system improvements are required to have an efficient and cost-effective judicial system.

The Administrative Director of the Court testified that the Judiciary will cooperate in this endeavor. Your Committee would underscore the intent of this resolution, which is to improve the structure and function of the Judiciary's financial and management systems and procedures.

Your Committee has amended the resolution to direct that the Chief Justice identify those recommendations whose implementation may not be warranted as well as progress made on implementing warranted recommendations.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 413, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 413, H.D. 1.

Signed by all members of the Committees except Representatives Amaral, Shon, Yoshimura, Anderson and Cavasso.

**SCRep. 1676            Judiciary on H.R. No. 215**

The purpose of this resolution is to request the Lieutenant Governor to convene a temporary advisory committee to consider the feasibility of employing electronic voting in this State.

The resolution sets forth membership requirements for the committee, whose members serve without compensation. The committee would:

- (1) Evaluate totally electronic voting systems for use by the State;
- (2) Make recommendations regarding the selection of a vendor to supply an electronic voting system; and
- (3) Make recommendations regarding standards for use of a totally electronic voting system.

The findings and recommendations of the committee would be reported to the Legislature by the Lieutenant Governor prior to the convening of the Regular Session of 1990.

Testimony in support of this resolution was presented by the Office of the Lieutenant Governor, and the Association of Clerks & Election Officers of Hawaii. Your Committee was advised that the computer punch card system, which is the heart of the State's current system, is antiquated and expensive. The currently employed ballot printing process requires considerable lead-time, and lacks flexibility for handling unanticipated contingencies such as the withdrawal of a candidate. Your Committee was informed that electronic voting machines which were used by four precincts in the 1988 primary election, were favorably received by voters surveyed.

Your Committee believes that while the State's present election system is reliable, it is labor intensive and is becoming increasingly expensive in terms of ballot printing and data processing. Each election year, longer delays in the reporting of results are experienced because of the rising numbers of votes being cast. An electronic voting system may dramatically reduce election day worker requirements, and enable results to be reported much more quickly.

Your Committee believes that electronic voting should be explored, as it may improve election administration and reduce costs.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 215 and recommends its adoption.

Signed by all members of the Committee except Representatives Andrews, Peters, Takamine, Yoshimura, Anderson and Cavasso.

**SCRep. 1677            Agriculture on H.R. No. 212**

The purpose of this resolution is to request the Department of Labor and Industrial Relations to determine if any shortages of agricultural workers exists and, if so, to develop ways to solve this problem.

Your Committee received supporting testimony from the Department of Labor and Industrial Relations (DLIR), Hawaii Sugar Planters' Association (HSPA), C. Brewer and Company, and the Hawaii Farm Bureau Federation. The testimony indicated growing concerns by the employers in the agricultural industry, including sugar cane, pineapple, macadamia nut, coffee, guava, and plants and diversified crops about their increasing difficulties in filling agricultural jobs, both in the skilled and unskilled categories. Other testimony concluded that there is in fact a shortage of agricultural workers in Hawaii.

Your Committee finds that with each solution to the problem, there are social and economic implications and concerns, including such issues as upgrading and training of local unemployed and welfare dependents before importing workers from the mainland or foreign countries.

Therefore, your Committee finds that it is in the public and legislative interests to investigate whether shortages of agricultural workers exist and to learn of the related social and economic implications of the solutions to the problem.

Your Committee concurs with the HSPA's recommendation by amending the resolution to include the sugar industry in the study and to include the Department of Agriculture (DOA) to participate in the study since DOA is the source of DLIR's agricultural workforce data.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 212, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 212, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1678            Agriculture on H.R. No. 296**

The purpose of this resolution is to urge all hotels in the State of Hawaii to promote and serve Kona coffee to further encourage awareness of Hawaii agricultural products.

Your Committee received supporting testimony from the following agencies and companies: the Department of Agriculture, College of Tropical Agriculture and Human Resources, Hawaii Island Economic Development Board, Captain Cook Coffee Company, and Bong Brothers Coffee Company.

The testimony agreed that Kona coffee is unique with excellent aroma and taste and worthy to be served to visiting hotel patrons in all hotels in the State and promoted as a gourmet coffee grown in Hawaii. The testimony also indicated that the hotels should be encouraged to serve an authentic Kona coffee, without dilution, to offer the visitors a unique experience and not destroy the image the Kona coffee industry is trying to promote.

Your Committee also received testimony suggesting that the State establish Kona coffee as the "official coffee" of Aloha Week or other important events in Hawaii.

Your Committee finds that this promotional strategy will enhance the intent of this resolution to urge Hawaii's hotels to promote and serve Kona coffee.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 296 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1679            Finance on H.R. No. 81**

The purpose of this resolution is to request the Department of Budget and Finance to reassess its role and determine how to more effectively lead and coordinate the implementation of Chapter 42, Hawaii Revised Statutes.

Your Committee finds that when the Legislature enacted Chapter 42, its provisions established a formal process for the review of request to private organizations, including qualifying standards for these organizations and procedures for the funding, monitoring, and evaluation of grants, purchase of service agreements, and subsidies.

As outlined in a 1989 Legislative Auditor's report, your Committee finds that although Chapter 42 has alleviated some of the problems regarding funding for private organizations, its provisions have also led to new problems that have impaired its efficiency and effectiveness. Moreover, although there have been attempts to voluntarily examine ways to improve the implementation of Chapter 42, these attempts have proven to be too tenuous in achieving long-term solutions which require broad representation and continuity.

Your Committee recognizes that the Department of Budget and Finance serves a key role as the coordinator for this process in the executive branch. The Department has rulemaking authority to develop procedures and guidelines to assist executive agencies in complying with the Chapter 42 requirements as well as authority to set budget policies for grants, subsidies, and purchases of service.

Accordingly, this resolution requests that the Department of Budget and Finance reassess its role in the Chapter 42 process and as part of this assessment, undertake the following activities:

- (1) Establish a Chapter 42 advisory committee to improve communication and coordination among agencies involved in implementing the statute;
- (2) Review Chapter 42 rules to possibly eliminate inefficient provisions such as the requirement for a preliminary review of purchase of service requests by the Department;
- (3) Develop clear written guidelines, in coordination with the Attorney General, which distinguishes between grants, subsidies, and purchases of service; and
- (4) Clarify the relationship between Chapter 42 and Chapter 103 with the cooperation of the Department of Accounting and General Services and the Attorney General.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 81 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1680 Labor and Public Employment on H.R. No. 82**

The purpose of this resolution is to oppose a final ruling of the United States Department of Housing and Urban Development (HUD) which preempts any prevailing wage rate that is determined under state law and would otherwise be applicable to an employee in any trade employed on a public housing project assisted by HUD under the United States Housing Act of 1937, as amended, whenever the state wage rate exceeds the corresponding federally-determined prevailing wage rate.

The HUD's basis for preempting state prevailing wage laws is that the application of the State law conflicts with the requirements of the United States Housing Act of 1937, as amended, and stands as an obstacle to the execution of the purposes and objectives of the Act by seriously impairing HUD in discharging its statutory responsibility to provide and maintain low income housing.

Before this ruling was issued, State and County construction contracts in excess of \$2,000 which included federal funds were considered covered by both the federal Davis-Bacon Act and Chapter 104, Hawaii Revised Statutes. As a result, the Department of Labor and Industrial Relations enforced the State law on the basis that the contractor must comply with the higher standard. Contracting agencies were required to include both state and federal wage rate schedules in the contract specifications, and the contractor was required to comply with the higher rate.

Currently, the Department of Labor and Industrial Relations is unable to enforce higher state prevailing wage rates on HUD-assisted projects because the final ruling issued by HUD was properly adopted in accordance with statutory guidelines and will in all probability be upheld on any legal challenge.

Your Committee also finds that in practice, some state rates are as much as \$3.50 higher than federal rates for certain categories. If federal prevailing wage rates were in fact reflective of the wage rates already prevailing in the locality, both federal and state wage rates would be identical. Requiring the preemption does not ensure the most effective use of limited budget resources and your Committee urges the United States Department of Housing and Urban Development to reconsider the effect of its ruling.

Your Committee has made technical, nonsubstantive amendments to the resolution for the purposes of style and clarity.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 82, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 82, H.D. 1.

Signed by all members of the Committee except Representative Souki.

**SCRep. 1681 Ocean and Marine Resources on H.R. No. 176**

The purpose of this resolution is to request the Department of Land and Natural Resources to study the feasibility of requiring that fishing nets be made of biodegradable materials.

Your Committee received testimony in agreement with this resolution from the Department of Land and Resources and the Department of Health.

Your Committee finds that due to most fishing nets' non-biodegradable character and longevity, monofilament fishing nets have extremely long "lives" in the ocean and are considered indestructible. It is common to lose or tear fishing nets while fishing. As a result, lost fishing nets or pieces thereof continue to "ghost fish" indiscriminately, entangling fish, seabirds, endangered and threatened sea turtles, and protected marine mammals. Additionally, lost fishing nets that float at or near the surface are also a hazard to navigation.

Due to the considerable damage that lost, discarded, or abandoned fishing nets can cause to living marine resources and boating equipment, Section 188-29.1, Hawaii Revised Statutes, prohibits the disposal of any fish net, trap, or gear with netting, or parts thereof, in the waters of the State.

Your Committee further finds that the potentially long-term problem of resource "waste" caused by lost fishing nets made of non-biodegradable material could be mitigated to a short-term problem if nets were required to be made with biodegradable materials.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 176 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1682 Ocean and Marine Resources on H.R. No. 224**

The purpose of this resolution is to request the Department of Transportation to monitor and evaluate the implementation of the State Ocean Recreation Management Rules.

Your Committee received testimony in support of this resolution from the Department of Transportation (DOT) and The Ocean Recreation Council of Hawaii (TORCH).

Your Committee finds that the increased use of the State's shores and ocean waters for commercial and recreational activity has resulted in a need for expanded and more effective enforcement programs to preserve and protect Hawaii's natural resources. The commingling of thrill craft with other ocean recreation activities has resulted in serious accidents and many near misses.

The State Ocean Recreation Management Rules that designate zones for jet skis and other "thrill craft", parasailing, windsurfing, boating, swimming, surfing, diving, and other activities in Hawaii's most crowded coastal waters took effect on October 1, 1988. In the process of formulating these rules, DOT promised to provide an ongoing evaluation of the effectiveness of the rules because of the many conflicts and issues involved.

Your Committee further finds that while the laws and rules for the regulation of thrill craft are in place, the marine patrol program of the Harbors Division of DOT, which is charged with the enforcement responsibility, appears to lack sufficient manpower and resources to meet the statewide enforcement requirements.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 224 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1683            Health on H.R. No. 361**

The purpose of this resolution is to request the Department of Health to amend its rules to allow health care facilities to provide for psychological services as a supplemental service to hospital patients, to admit psychologists to membership on their medical staffs, and to permit them clinical or staff privileges.

Your Committee received testimony in support of this resolution from the Department of Health, the Hawaii Psychological Association, and by a number of clinical psychologists. The Department will propose revision of these rules to all facilities to make their own determination on this matter. The Hawaii Psychological Association testified that there would be a number of benefits of the proposed changes to DOH regulations. These include: (1) eliminating impediments that prevent consumers from having their choice of mental health provider in hospital settings, (2) allow psychologists to have privileges similar to other medical staff, and protect hospitals from being penalized for allowing psychologists to practice independently within their scope of their licensure.

The Medical Director of Human Services Program, Chair of the Credentials Committee and Chair of the Department of Psychiatry of Castle Medical Center expressed concern and opposition to this resolution. They expressed concern that psychologists are not trained or experienced to handle complex medical problems of psychiatric patients within an acute hospital setting, that the proposed changes in rules have liability implications, and that psychologists should not admit patients and prescribe medications. The Hawaii Federation of Physicians and Dentists expressed similar concerns.

Your Committee amended the resolution by deleting the word "actively" from the first "BE IT FURTHER RESOLVED" paragraph. This takes into consideration the concern expressed by the Department of Health that the matter of staff participation is a facility-based decision, and that the Department should not "actively encourage health care facilities to admit psychologists to their staffs."

Your Committee on Health concurs with the intent and purpose of H.R. No. 361, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 361, H.D. 1.

Signed by all members of the Committee except Representatives Metcalf, Tam and Liu.

**SCRep. 1684            Health on H.R. No. 248**

The purpose of this resolution is to request the Department of Health to develop a plan for the upgrading and construction of medical facilities in Hawaii County, in conjunction with a task force appointed by the Director of Health.

Your Committee heard testimony in support of the resolution from the Department of Health, the Waimea-Kawaihae Community Association, and two citizens of North Hawaii County.

Your Committee finds that the rapid growth in population in Hawaii County is placing demands which cannot be currently met by the medical facilities. The State Health Planning and Development Agency and the Department of Health have been communicating about the plans as they develop, but they have not yet convened other parties in the discussion. Your Committee is amending the resolution to add "including a plan for an Emergency Medical Services system" to the BE IT RESOLVED clause.

Your Committee on Health concurs with the intent and purpose of H.R. No. 248, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 248, H.D. 1.

Signed by all members of the Committee except Representatives Amaral and Tam.

**SCRep. 1685 Human Services on H.R. No. 290**

The purpose of this resolution is to request a study the feasibility of establishing a youth volunteer program similar to the California Conservation Corps or the Volunteers in Service to America (VISTA) program.

Your Committee is in support of this resolution but felt it would be more appropriate for the Department of Labor and Industrial Relations to conduct the study.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 290, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 290, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1686 Human Services on H.R. No. 201 (Majority)**

The purpose of this resolution was to request the Department of Corrections to develop rules pertaining to the interstate transfer of prison inmates, including criteria for transfers, provision of advanced notice and an opportunity for a hearing.

Your Committee heard testimony from the Department of Corrections, the Attorney General's Office and two individuals. The Department and Attorney General were opposed to this resolution as it would delay transfers and jeopardize the security and management of the corrections facility. The hearing requirement would allow prisoners to appeal hearing decisions through the courts, adding further delay.

The individuals testified as to the hardship such sudden transfers cause the inmates and their families. It was also pointed out that the high family and friend visitation rates for Hawaii inmates could contribute to their lack of hostility and improve their chances at rehabilitation. Transferred inmates would have no opportunity for family contact.

Your Committee decided to amend the resolution to take into account the information it received on the procedural difficulties that might result from the adoption of rules for transferring inmates and instead has asked the Department to report to the legislature on the annual rate of transfers, the possibility that transfer hearings could be exempt from the Administrative Procedure Act and to evaluate the rehabilitating effects of an inmate's visit with family and friends

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 201, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 201, H.D. 1.

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

**SCRep. 1687 Human Services on H.R. No. 314**

The purpose of this resolution is to request a study reviewing the welfare hearings process to see if it meets the requirements of the Hawaii Administrative Procedures Act and due process guarantees, as well as to see if there are methods for improving the fairness and impartiality of the procedure.

Your Committee, after hearing testimony on the resolution which makes reference to a similar study conducted by the New York Bar Association, decided it would be beneficial to request that the Hawaii Bar Association conduct the study instead of the Legislative Reference Bureau.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 314, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 314, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1688 Human Services on H.R. No. 253**

The purpose of this resolution is to:

- (1) Consider the provisions that other states have made for family support; and
- (2) Devise a State policy on families that will stress the importance of families, state that family support should be the primary goal of the Departments of Health and Human Services, and establish the goal of family bonding through State-sponsored programs.

The Director of State Planning is requested to submit the policy to the Legislature at least twenty days prior to the convening of the next regular session.

Your Committee finds that families form the basic social unit in our society, and that the more that families are able to cope with the demands of today's society, the better off the State will be. Many of Hawaii's families face pressure and stress from economic forces, and while some families are capable of coping with these troubles, other families need resources in order to aid them in helping themselves. Your Committee finds that the formulation of a state policy on families can help these families in need obtain the support necessary to enable them to perform their critical social role.



Your Committee received favorable testimony from the Office of State Planning, the Office of Children and Youth, the Department of Health, the Hawaii chapter of the National Association of Social Workers, and the Judiciary.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 253 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1689            Human Services on H.R. No. 213**

The purpose of this resolution is to request that the State of Hawaii participate in the resettlement of Amerasian immigrants and their families by cooperating with private nonprofit agencies providing immigrant services.

Your Committee heard testimony from State departments with services to immigrants, private agencies providing services, individuals and representatives of associations; all in support of this resolution.

Your Committee adopted a suggestion raised in the hearing that rather than ask the Governor to establish a committee concerned with Amerasian resettlement, that the Governor participate in the already established Amerasian Resettlement Task Force and name representatives to that group from the different state agencies that will provide services to the immigrants.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 213, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 213, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1690            Human Services on H.R. No. 381**

The purpose of this resolution is to request the Department of Human Services to issue a policy clarification to all its workers that pregnant women are eligible for emergency processing and shall be seen and have their eligibility determination made within two working days under Hawaii Administrative Rules, Section 17-618-10 (b).

The Medicaid Options for Mothers and Infants (MOMI) program, which expanded coverage of pregnant women and infants recognized that pregnant women should have their applications processed as quickly as possible. Congress has therefore allowed the states to provide a system of presumptive eligibility whereby designated providers, not connected with local welfare agencies, can make a determination of a pregnant woman's eligibility and be assured that they will receive federal funds for services provided to her during a fourteen day period. The Department of Human Services then must make a formal determination of the woman's eligibility before the end of the fourteen day period. In Hawaii, there are no providers designated to determine presumptive eligibility on the islands of Kauai, Maui, and Lanai. On the island of Hawaii, there is only one designated provider institution, which is located in Hilo.

Your Committee received testimony in support of this measure from Hawaii Healthy Mothers, Healthy Babies; Kapiolani Medical Center for Women and Children; and the Committee on Welfare Concerns.

The Department of Human Services also submitted testimony supporting the intent of the resolution but objecting to language that would require the Department to change its procedures for dealing with pregnant women or amend the existing administrative rules. The Department indicated that the changes called for in the resolution would exceed the capacity of the Department's staff available to process the additional cases on an emergency processing basis. The Department offered statewide caseload and workload data to support its position.

However, the Committee on Welfare Concerns noted that pregnant women on Oahu, the majority of pregnant women in Hawaii, had access to designated providers; it was the women on the Neighbor Islands, with the exception of those residing in the Hilo area, who were unable to be considered for presumptive eligibility. It was for this group that the changes called for in the resolution are needed. The Committee on Welfare Concerns suggested that because the number of pregnant women on Neighbor Islands in need of this service was much smaller than the statewide figures cited by the Department, that the staffing and budgetary requirements would also be considerably less and would not impose an unsurmountable barrier for the Department, if only these women were to be considered for automatic emergency processing.

This measure has therefore been amended to urge the Department of Human Services to consider providing emergency processing for pregnant women in areas of the State where there are no designated providers to determine presumptive eligibility, so that these women may have their determinations made within two days, if possible. Your Committee has also amended this resolution to urge the Department to do everything in its power to facilitate and encourage medical institutions to become designated providers in those areas of the State where no such providers exist.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 381, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 381, H.D. 1.

Signed by all members of the Committee except Representatives Peters and Cavasso.

**SCRep. 1691            Human Services on H.R. No. 331**

Your Committee heard testimony in support of this measure from a number of community groups providing services to immigrants. They expressed the need for services to young immigrants of school age. Your Committee decided to amend the resolution to ask that the Office of Community Services in the Department of Labor and Industrial Relations because of their experience in serving immigrant groups.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 331, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 331, H.D. 1.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 331, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 331, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1692            Human Services on H.R. No. 173**

The purpose of this resolution is to request that the Waianae Coast Coalition for Human Services continue the work undertaken pursuant to House Resolution No. 183, H.D. 1, Regular Session of 1988, through the existing task force.

Your Committee received testimony from the Department of Human Services, the Department of Health, and the Department of Education in support of this measure.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 173 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1693            Human Services on H.R. No. 211**

The purpose of this resolution is to request the Office of Children and Youth to study the feasibility of establishing a youth recognition program to recognize organizations involved in youth development and youth who have excelled in various endeavors.

Your Committee finds that the many agencies and organizations that are making a concerted effort to provide Hawaii's young people with positive programs and services, as well as the many youths who take extraordinary steps to develop to their best potential, go unnoticed and unrecognized. There is a need to highlight and publicize these significant contributions to and the exceptional achievements of Hawaii's youth.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 211 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1694            Human Services on H.R. No. 393**

The purpose of this resolution is to urge state authorities to ensure protection of constitutional and human rights and access to basic services for all residents, regardless of nationality or citizenship status; and

Your Committee received testimony in support of this measure from the Inter-agency Council for Immigrant Services, the American Immigration Lawyers Association, ILWU Local 142, Na Loio no na Kanaka, and the Oahu Filipino Community Council. The primary concern of the majority of those testifying was that enforcement activities by federal agencies, primarily the Immigration and Naturalization Service, violate the constitutional and human rights of many immigrants.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 393 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1695            Human Services on H.R. No. 138**

The purpose of this resolution is to urge the Department of Human Services to adopt federal emergency assistance options provided by the federal government for emergency assistance for families.

Your Committee heard testimony from the Department and the Committee on Welfare Concerns. The Department said it could not adopt such provisions in the time frame outlined in the resolution because of budget considerations and the possible need to change state law. The testifiers agreed with the suggestion that the resolution be amended to request the Department to study and make recommendations for the adoption of the federal options.

Your Committee decided to amend the resolution asking the Department to study the federal options. Other nonsubstantive amendments were made for the purpose of style and clarity.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 138, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 138, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1696            Legislative Management on H.R. No. 132**

The purpose of this resolution is to direct the Legislative Reference Bureau Computer Systems Office to provide public access to legislators' voting records.

Your Committee has amended this resolution by deleting the substance and inserting new material, which provides for improved public access to legislative and other governmental information.

Your Committee finds that an informed and active citizenry is the most dynamic force of democracy. Good government provides people with the greatest opportunities to voice their concerns and participate in the decision-making process.

Of the three branches of government, the Legislature relies most heavily on direct public input. It is imperative that the Legislature make a concerted effort to provide timely information to encourage public input in the decision-making process.

As the Legislature prepares to temporarily relocate to less centralized quarters while the State Capitol is closed for asbestos abatement, the exigency of this situation is even more apparent. Immediate action addressing public access and participation issues is urgently needed. Technology and telecommunications are the means by which improved public access and participation in the legislative process will become a reality.

The purpose of this resolution, as amended, is to encourage greater public access and participation in the legislative process, particularly through efficient, technological means. More specifically, this Resolution requests the House of Representatives Legislative Management Committee to develop an action plan to improve public access to the legislative process.

To reflect this new purpose, the title of this resolution has been amended to read: "HOUSE RESOLUTION REQUESTING DEVELOPMENT OF AN ACTION PLAN TO IMPROVE PUBLIC ACCESS TO THE LEGISLATIVE PROCESS."

During the 1989 Legislative Session, the House of Representatives responded to citizen requests for better methods of public access to the legislative process by providing:

- (1) Access to legislators' voting records by providing, on a daily basis, draft copies of the House Journal for public distribution;
- (2) A pilot Capitol BBS project to make electronic copies of bills, committee reports and hearing notices available to the public on a more timely, cost-efficient basis; and
- (3) Expanded hours of availability for print shop distribution of the House of Representatives' legislative documents.

In several instances, the House of Representatives was able to adopt new solutions in resolving public access issues which relied heavily upon the availability of an automated information network for legislation processing and bill status.

Accordingly, your Committee is convinced that the use of modern technology, telecommunications and creative problem-solving can overcome most of the problems of public access encountered by citizen groups, community organization, lobbyists and others interested in participating in the legislative process.

Your Committee has therefore amended this resolution to request the House Legislative Management Committee to address issues of public access to the legislative process in a more comprehensive, integrated manner by:

- (1) Developing an action plan to improve public access to the Legislature for implementation during the 1990 legislative session;
- (2) Soliciting input and recommendations from citizen groups, community organizations, lobbyists, government agencies and others interested in the legislative process; and
- (3) Implementing the action plan for improved public access during the 1990 legislative session, thereby setting in place an improved means of providing maximum public access and participation in time for the Legislature's relocation in 1991.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 132, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 132, H.D. 1.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1697            Legislative Management on H.R. No. 145**

The purpose of this resolution is to request that the Legislative Reference Bureau conduct a study on the progress of the State government in promoting ridesharing in both the public and private sectors, and of the private sector in offering ridesharing alternatives to employees.

Your Committee finds that current efforts to promote ridesharing programs have been greeted with less than an enthusiastic response from the commuting public. Your Committee further finds that for ridesharing programs to be accepted by the commuting public as a whole, State government has to more actively promote ridesharing concepts among State workers. The study would also include an assessment of the liability of promoters of ridesharing programs.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 145, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1698            Legislative Management on H.R. No. 155 (Majority)**

The purpose of this resolution is to request that the Legislative Reference Bureau study the feasibility of developing a State Office of Motor Vehicles.

Your Committee finds that Hawaii is the only state that administers certain motor vehicle safety functions at the county level, often resulting in differing interpretations, administration, and enforcement policies of State laws and rules.

Your Committee further finds that the various duties and responsibilities relating to motor vehicle safety, motor vehicle registration, and driver licensing currently administered by the different counties and the State Department of Transportation may be consolidated under a single state agency to facilitate control, standardize procedures, modes of enforcement, and the implementation of State rules.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 155 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.  
(Representative Hemmings did not concur.)

**SCRep. 1699            Legislative Management on H.R. No. 336 (Majority)**

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study to determine the feasibility of implementing a state-mandated discharge planning system.

Your Committee received testimony in support of this measure from the Department of Health and the Kokua Council for Senior Citizens. Testimony was also received from the Healthcare Association of Hawaii in opposition to this resolution, noting that a mandatory state discharge planning system would not allow different facilities to respond flexibly to the particular facts of individual cases. The Association also testified that in Massachusetts, where a state-mandated system is used, numerous problems have been encountered. However, should the resolution be adopted, the Association urged that private sector organizations be consulted in the study.

This measure has therefore been amended by restricting the study to the examination of questions about discharge planning services in Hawaii. This change in emphasis is reflected in the title of the resolution to: "Requesting a Study to Examine Discharge Planning in the State of Hawaii." Accordingly, all references to a mandatory discharge planning system have been eliminated, together with a suggestion that the Legislative Auditor evaluate the Massachusetts model.

In addition, your Committee has requested that the Legislative Auditor examine options for discharge planning for those patients who will be moving into the long term care service system and to recommend the most promising of these to the Legislature in its report prior to the convening of the Regular Session of 1990. Finally, private sector organizations are required to be consulted in the study.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 336, H.D. 1, and recommends its adoption in the form attached hereto as H.R. No. 336, H.D. 2.

Signed by all members of the Committee except Representative Apo.  
(Representatives Hemmings and Liu did not concur.)

**SCRep. 1700            Legislative Management on H.R. No. 13**

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study to determine the feasibility of offering tax credits to encourage the purchase of long-term care insurance.

The Executive Office on Aging (EOA) testified in support of the resolution. According to EOA, the study might be expanded to include an investigation of the extent to which long-term care insurance can offset Medicaid costs to the State.

The Legislative Reference Bureau (LRB) submitted testimony regarding this resolution. According to LRB, it conducted a study in 1987 entitled, "Requesting a Study of Long-Term Care Insurance and the Feasibility of Allowing a Tax Credit for Long-Term Care Insurance Premiums". This study addresses a major assumption made by the resolution,

that the number of persons likely to take advantage of a tax credit for long-term care insurance premiums can be determined. According to the LRB study, any estimate of this kind would be unreliable because too many uncertainties are involved.

In consideration of these and other concerns, your Committee has amended the resolution as follows:

- (1) Inserted a provision that specifies that the study include an estimate of the number of persons eligible for, rather than those likely to take advantage of, a tax credit for long-term insurance premiums;
- (2) Deleted the provision specifying that the study include an estimate of the cost of providing the envisioned tax credits to the State due to the unreliability of any estimate of the number of people likely to take advantage of a tax credit for long-term care insurance premiums;
- (3) Added a provision that provides for the inclusion of an estimate of the extent to which long-term care insurance can offset Medicaid costs to the State;
- (4) Added a provision that the study include an examination of the concept of earmarking the four percent excise tax on health services to fund institutional and noninstitutional long-term care subsidies, and an analysis of other possible financing arrangements by which to expand long-term care benefits;
- (5) Added a provision that the study include a determination of the services to be included within the scope of institutional care and within the scope of noninstitutional care; and
- (6) Revised the title of the resolution to encompass the foregoing amendments.

Your Committee on Legislative Management is in accord with the intent and purpose of H.R. No. 13, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 13, H.D. 1.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1701            Legislative Management on H.R. No. 333**

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study to examine the issues involved in home health quality of care assurances.

Your Committee believes this study will assist the State in beginning to address quality of care criteria, personnel issues in providing good care, and affordability of care. In the future such information will be vital in making good policy decisions that can assure the elderly safe care in their own homes.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 333 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1702            Legislative Management on H.R. No. 38**

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study to: (1) determine the roadways whose jurisdictions are in question; (2) recommend the assignment of ownership and responsibilities for these roadways; and (3) determine the necessary funding for the proposed assignment.

The Department of Land and Natural Resources, the Department of Transportation, and the Legislative Reference Bureau submitted testimony in support of this resolution.

While in support of the measure, the Legislative Reference Bureau testified that the resolution fails to address the source of the jurisdictional dispute, specifically the inadequacy of the statutory definition of "state road". The Legislative Bureau suggested an amendment to the resolution emphasizing that the study provide the Legislature with information directed toward revising that definition. In this regard, the identification of all roadways under disputed jurisdiction would be a necessary first step in the redefinition process. Once the Legislature agrees on an appropriate definition which is fair to all parties involved, then estimations can be made of any funds necessary to implement the new definition.

Accordingly, your Committee has amended the resolution as follows:

- (1) Specified that lists and other data provided by appropriate State and county agencies be used to identify roadways for which jurisdiction is in dispute;
- (2) Deleted the provision that the study include a recommendation on how best to assign ownership and responsibility for roadways in question. Instead, substituted a provision that the study incorporate suggested alternatives for settling jurisdictional disputes, including proposed legislation; and
- (3) Deleted the provision that the study include a determination of the funds necessary to effect a solution to the problem.

Technical, nonsubstantive amendments have also been made for purposes of style and clarity.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 38, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 38, H.D. 2.

Signed by all members of the Committee.

**SCRep. 1703            Legislative Management on H.R. No. 14**

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study to determine the feasibility of offering tax credits to families caring for the elderly who are ill.

The Legislative Reference Bureau (LRB) submitted testimony regarding the resolution. According to LRB, it conducted a study on a related issue. The study indicated that an estimate of the number of persons likely to take advantage of such a tax credit, as called for in the resolution, would be highly speculative because of the uncertainties involved. However, the report did recommend a study of tax credits for families caring for the elderly who are ill.

The Executive Office on Aging (EOA) submitted testimony in support of the resolution. According to EOA, the proposed study could generate valuable information by helping establish the number of persons eligible for such a tax credit.

Your Committee amended the resolution as follows:

- (1) Deleted the provision that the study include an estimate of persons likely to take advantage of such a tax credit;
- (2) Deleted the provision that required the LRB to include the cost estimates of the envisioned tax credits to the State; and
- (3) Added a provision that requires the LRB to include an estimate of the number of persons eligible for such a tax credit.

Technical, nonsubstantive amendments were also made for purposes of style and clarity.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 14, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 14, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1704            Legislative Management on H.R. No. 275**

The purpose of this resolution is to request the Legislative Auditor to consult with representatives from the Department of Human Services, the Department of Health, the Department of Education, the University of Hawaii School of Public Health, the Hawaii Public Health Association, the Commission on the Handicapped and other consumer and provider groups in Hawaii to conduct a study and develop a strategic plan ensuring the most efficient utilization of federal Medicaid funds available to the State.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 275, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1705            Legislative Management on H.R. No. 399**

The purpose of this resolution is to request that the Department of Accounting and General Services conduct a study to increase the availability of public parking in and around the State Capitol Building.

During the 1989 legislative session, your Committee finds that stringent enforcement of parking fees, increasing numbers of individuals parking in the Capitol, especially during legislative deadlines, and fewer public parking stalls made parking an intolerable problem.

To reduce public inconvenience in having to obtain copies of bills and hearing notices from printing facilities located in the State Capitol building, the House of Representatives undertook an electronic bulletin board demonstration project shortly after the bill introduction cut-off. All participants fully endorsed the notion of reducing the amount of incoming traffic through electronics means.

However, such efforts alone will not minimize the need for additional public parking in and around the Capitol complex for participants in the legislative process.

Your Committee has amended the resolution to incorporate the recommendations of the Department of Accounting and General Services and Common Cause Hawaii.

Your Committee further notes that the 1990 relocation of occupants of the State Capitol Building during asbestos removal is an opportune time for the Legislature and the State administration to plan for optimum public access to the State Capitol, additional parking, and an improved building design which enhances, rather than discourages, public participation in government.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 399, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 399, H.D. 1.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1706                      Legislative Management on H.R. No. 121**

The purpose of this resolution is to request the Legislative Auditor to conduct a study of the effectiveness of Hawaii's Occupational Safety and Health Program (OSHA) and to submit a report of the findings and recommendations to the Legislature at least twenty days prior to the convening of the 1990 Regular Session.

Your Committee has amended the scope of this resolution to provide that the Department of Labor and Industrial Relations and the Office of the Legislative Auditor undertake separate evaluations on the State OSHA program. Accordingly, the title has been amended to read as follows: "HOUSE RESOLUTION REQUESTING STUDIES TO EVALUATE THE EFFECTIVENESS OF HAWAII'S OCCUPATIONAL HEALTH AND SAFETY PROGRAM."

More specifically, the Department of Labor and Industrial Relations is requested to conduct an evaluation of:

- (1) DOSH records and recordkeeping procedures (e.g. numbers and types of inspections, penalties, appeals, and reported illnesses and injuries);
- (2) The adequacy of the academic and professional training of DOSH personnel;
- (3) The fairness and consistency of DOSH inspection, citation, and penalty assessment procedures; and
- (4) The nature and frequency of DOSH educational and informational programs for employers, employees, enforcement personnel, and occupational safety and health practitioners and professionals with particular emphasis on the attention given to small businesses.

In addition, the Office of the Legislative Auditor is requested to conduct a study, including but not limited to, an evaluation of:

- (1) The adequacy of the resources and funding available to DOSH for attracting and training personnel, operating research facilities and procedures, and implementing enforcement and educational programs;
- (2) A proposed "Occupational Safety and Health Program Assessment Act" amending Chapter 396, Hawaii Revised Statutes, which would require the Director of Labor and Industrial Relations to annually submit a report on the results of its yearly evaluation of the effectiveness of the Department's Occupational Safety and Health Program to the House and Senate Labor committees;
- (3) A proposed "Occupational Safety and Health Education and Training Act" amending Chapter 396, Hawaii Revised Statutes, which would establish an aggressive comprehensive statewide education and training program, for both employers and employees, addressing all aspects of occupational safety and health;
- (4) Legislation that provides minimal standards of notification, protection, and education for employees about hazardous substances they may be in contact with in the course of their employment;
- (5) The availability of additional federal funds to finance educational and training priorities; and
- (6) The multitude of federal directives, studies, and reports, as well as programs in other states, to determine more effective ways of ensuring safe and healthy workplaces for employees.

Both the Department of Labor and Industrial Relations and the Office of the Legislative Auditor have been requested to report their findings and recommendations to the Legislature at least twenty days prior to the convening of the 1990 Regular Session.

Other technical, nonsubstantive amendments have been made for the purposes of style and clarity.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 121, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 121, H.D. 2.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1707                      Legislative Management on H.R. No. 120**

The purpose of this resolution is to direct the Legislative Reference Bureau to study the issue of financing higher education and to recommend specific financial means that would enable more Hawaii students to obtain a higher education in Hawaii or elsewhere.

Your Committee finds that the cost of higher education has been rising steadily in recent years, and with cuts in federal financial aid, more families are having a difficult time sending their children to college. Many states have implemented various college savings programs to help families save for their children's education. Your Committee feels a study would help identify the nature of the problem and recommend the best way for the State to proceed in this area.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 120 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1708            Legislative Management on H.R. No. 106**

The purpose of this resolution is to request the Legislative Reference Bureau to study mechanisms through which the State could indefinitely maintain the affordability of state-subsidized housing.

This study would explore ways in which the availability of affordable housing could be maintained. The resolution specifically requests that the study examine the benefits and disadvantages of these mechanisms to the consumer, the State, and other parties.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 106, H.D. 1 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1709            Legislative Management on H.R. No. 177**

The purpose of this resolution is to request the Housing Finance and Development Corporation to formulate a fair and just approach toward compensating the residents of the "Kau Hale Aupuni O Kuliouou" subdivision.

Your Committee finds that seventeen homes in the subdivision have been damaged by soil erosion and severe hillside movement. These homes were constructed eight years ago by Kuliouou Valley Associates and Hawaiian Dredging and Construction Company under the auspices of the Hawaii Housing Authority.

Your Committee has amended the resolution as follows:

- (1) Deleted in the first WHEREAS clause that "bureaucratic red tape and government inaction" have been responsible for a resolution of the problem;
- (2) Added in the second WHEREAS clause that the damaged homes were constructed by Kuliouou Valley Associates and Hawaiian Dredging and Construction Company;
- (3) Deleted in the fourth WHEREAS clause that unsafe conditions resulted from the damages;
- (4) Deleted the fifth and sixth WHEREAS clauses entirely;
- (5) Substituted in the seventh WHEREAS clause reference to "a resolution of the problem" instead of "the outcome of the litigation";
- (6) Added in the BE IT RESOLVED clause that, in addition to the Housing Finance and Development Corporation, the Kuliouou Valley Associates and the Hawaiian Dredging and Construction Company are requested to formulate a fair and just approach to compensation;
- (7) Deleted the third BE IT FURTHER RESOLVED clause entirely;
- (8) Added the provision that copies of the resolution be transmitted to the chief executive officers of Kuliouou Valley Associates and the Hawaiian Dredging and Construction Company; and
- (9) Revised the title of the resolution to include Kuliouou Valley Associates and Hawaiian Dredging and Construction Company, in addition to the Housing Finance and Development Corporation, as entities requested to expedite assistance to residents of damaged homes.

Technical, nonsubstantive amendments have been made for purposes of style and clarity.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 177, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 177, H.D. 1.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1710            Legislative Management on H.R. No. 316**

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study to determine the state of care in Hawaii for infants who are medically at high risk, including, but not be limited to, an examination of facilities available to care for these children and the types of care options available for them.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 316, H.D. 1, recommends its adoption.



Signed by all members of the Committee except Representative Apo.

**SCRep. 1711            Planning, Energy and Environmental Protection on H.R. No. 258**

The purpose of this resolution, as received by your Committee, is to request a report on the actions taken by the Department of Agriculture (DOA) pesticides deemed to have unreasonable effects on the environment.

Testimony by the DOA indicated that the provisions of Act 131, Session Laws of Hawaii 1985 are being met. Therefore, there is no apparent need for the report called for by this resolution. However, your Committee finds that an issue of utmost concern to the Legislature is the closing of the Haleakala Highway extension road on Maui. Your Committee wishes to use this Resolution to address the road closure.

The Haleakala Highway extension road presently serves as an alternate route connecting East Maui to Central Maui. Recently, due to the closure of Hana Highway from heavy rains and flooding, the extension road was the only route connecting East Maui to Central Maui. If the road had been closed, as called for in plans developed by the Department of Transportation Airports Division, the two areas of Maui would have been cutoff from each other. In the case of a medical emergency or civil disaster this would place the residents of Maui in great peril, especially in light of the fact that East Maui is reliant on Central Maui for police and hospital services.

Your Committee has amended this resolution by changing the title to read: "DIRECTING THE DEPARTMENT OF TRANSPORTATION (DOT) NOT TO CLOSE THE HALEAKALA HIGHWAY EXTENSION ROAD UNTIL THE DRAINAGE PROBLEM AT THE DAIRY ROAD INTERSECTION IS SOLVED AND ADEQUATE ALTERNATE ROUTES BETWEEN EAST MAUI AND CENTRAL MAUI ARE DEVELOPED."

This resolution has been further amended by deleting the substantive provisions contained in the Resolution as received and inserting provisions to fulfill the new intent as expressed in its amended title.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 258, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 258, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1712            Legislative Management on S.C.R. No. 6**

The purpose of this concurrent resolution is to request a study by the Legislative Auditor concerning the health, social and financial impacts of mandatory insurance coverage for mammography as required under section 23-51, Hawaii Revised Statutes.

Your Committee believes that this concurrent resolution will advance the public interest by determining the health and social benefits as well as the financial ramifications of requiring mammograph screening for women in all health insurance programs in the State of Hawaii.

Your Committee finds that the study called for in this concurrent resolution is required by current state law before any mandatory insurance coverage legislation is enacted.

Your Committee on Legislative Management concurs with the intent and purpose of S.C.R. No. 6, S.D. 2, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

**SCRep. 1713            Agriculture and Health on S.C.R. No. 70**

The purpose of this concurrent resolution is to convene a task force to study the problems posed by the current quarantine requirement and how it can be modified to better accommodate the special circumstances of the blind, deaf, and medically handicapped without significantly endangering the people of Hawaii to the exposure of rabies. The task force is to consist of four legislators and eleven other representatives selected from agencies, interest groups, and individuals.

Your Committees received testimony in support of the concurrent resolution from the following agencies, organizations, and handicapped individuals: the Department of Agriculture (DOA), Department of Health, Commission on the Handicapped, Hawaii Humane Society, Veterinary Consultation Services, Aloha Council of the Blind and Visually Impaired, Eye of the Pacific Guidedog and Mobility Services, National Federation of the Blind of Hawaii, Joseph Loewenhardt, Jeffrey Paul, Wendell Marumoto, and Linda Cote.

The testimony indicated agreement and support for the formation of the task force to examine and evaluate the issues of animal quarantine and public health and safety and to assess the scientific, research, and technological improvements and implications for the prevention and control of rabies. The testimony also identified names of individuals who volunteered or requested to be considered for the task force membership.

Your Committees also received testimony in opposition from the Hawaii Association of the Blind for reasons that the study is too complex and that persons with built-in biases would serve as members of the task force.

Your Committees find that before they address the issue on changes to the State's animal quarantine system as proposed under bills introduced in this session, your Committees need to undertake a full review of the animal quarantine program, including how best to improve the quarantine facility with the \$18 million of federal transportation funds intended for use in relocating and rebuilding the facility in conjunction with the H-3 highway construction program. Convening a fact-finding task force to study the problems posed by the current quarantine requirements and to determine what could be done would be an effective way to assist the Committees, as well as the legislative bodies, to address this issue.

Your Committees concur with the DOA's and Commission on The Handicapped's recommendations by amending the concurrent resolution to include "non-pet owning individuals" and "guide dog-users" as part of the representation from the "community at large" and "handicapped community" in reference to the make-up of the task force. Upon further consideration, your Committees also amended the BE IT RESOLVED clause to make it compatible with the second BE IT FURTHER RESOLVED clause.

Your Committees on Agriculture and Health concur with the intent and purpose of S.C.R. No. 70, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 70, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representatives Chang, M. Ige, Ihara, Kawakami and Leong.

**SCRep. 1714          Housing on H.R. No. 378**

The purpose of this resolution is to request the Housing Finance and Development Corporation to set aside at least ten percent of all future single family developments that it sponsors to be available to owner builder programs, with preference to those programs that assist families earning below 80% of median family income.

Your Committee finds that given the current crisis in affordable housing, self-help housing is a practical and low-cost alternative to providing affordable homes. These homes can be built for far less than those currently being planned for master planned communities. In addition self-help housing programs help develop a sense of community pride and help raise individual self-esteem. Testimony from participants of self-help construction showed that such programs are rewarding for both the participants and the State.

Your Committee has amended this resolution in the following ways:

- 1) The third Whereas clause, which is technically incorrect, has been deleted;
- 2) This resolution now requests that ten percent of future single family developments be set aside for owner builder programs where feasible, instead of all future single family developments; and
- 3) HFDC is asked to report on the progress in assigning lands to owner-builder programs in its annual reports to the Governor and the Legislature, rather than in a special report for the 1990 Regular Session.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 378, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 378, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1715          Housing on H.R. No. 377**

The purpose of this resolution is to request that the Housing Finance and Development Corporation (HFDC) and the Hawaii Housing Authority (HHA) incorporate manufactured housing units in their housing projects.

Your Committee finds that manufactured housing may provide a low-cost alternative to the crisis in affordable housing. Your Committee received testimony from manufactured housing representatives indicating that costs may be significantly lower than stick-built homes before infrastructure and land costs are added on. Your Committee, however, does have concerns that any manufactured housing conform with applicable codes and standards while still priced at a lower cost to the buyer. Your Committee heard testimony indicating that some manufactured houses are now under warranty, and companies bonded.

Your Committee has, therefore, amended this resolution by:

- 1) Requesting that manufactured housing be incorporated into projects where feasible; and
- 2) Requesting that progress in incorporating manufactured housing be included in HFDC's and HHA's annual and special reports, rather than in a report for the 1990 Regular Session.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 377, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 377, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1716          Housing on H.R. No. 374**

The purpose of this resolution is to request that the Housing Finance and Development Corporation (HFDC) convene a conference among representatives of the building industry to establish a quota with regard to the number of projects that should be awarded to small developers to promote fairness in the bid process.

The Building Industry Association of Hawaii testified that major government-sponsored housing projects in recent years have essentially excluded smaller contractors. Your Committee finds that it is in the best interest of the State and the housing construction industry to promote equity in the allocation of construction project contracts to businesses of all sizes.

Your Committee, after hearing the concerns of the HFDC and the Building Industry Association of Hawaii, has amended this resolution in the following ways:

- 1) Edited language referring to developers to include, or replace with, language referring to contractors or businesses in general; and
- 2) Requested a goal be set, rather than a quota, of awarding bids to small businesses; and
- 3) Expanded the definition of the small building industry.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 374, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 374, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1717          Housing on H.R. No. 293**

The purpose of this resolution is to request the Housing Finance and Development Corporation (HFDC) continue its exploration of possible solution to the Queen Emma Gardens rent increase problem by assisting the conversion of the Queen Emma Gardens into a housing cooperative, and that HFDC also investigate other alternatives for the tenants at Queen Emma Gardens.

Your Committee finds that the state needs to assist the tenants of Queen Emma Gardens, who have faced sharp rent increases after the death of Robert Black, the former landlord. Tenants enjoyed moderate rents until 1988, many with the promise from Mr. Black that rents would remain low. State assistance could assure that rents remained low. The Housing Finance and Development Corporation testified in support of this resolution, noting that the HFDC is directed to assist in such projects in the State Housing Functional Plan.

Your Committee has amended this resolution by replacing incorrect references to the federal government with references to the state.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 293, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 293, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1718          Housing on H.R. No. 260**

The purpose of this resolution is to request the Housing Finance and Development Corporation to prepare a study of innovative approaches to the development of affordable rental housing in Waikiki for the low-income elderly.

Your Committee received testimony in support of this measure from the Waikiki Neighborhood Board No. 9. The Neighborhood Board noted that the economic pressures on the older residents in the rental housing market are fast approaching a crisis situation and housing for these elderly individuals has been one of the most pressing issues facing the Neighborhood Board's Housing Committee.

Testimony was also received from the Housing Finance and Development Corporation (Corporation) in support of the intent of this measure but stating that the Corporation had already conducted extensive research on developing such housing in Waikiki and concluded that due to land prices and other factors it would not be economically viable to do so. However, the Corporation stated that requiring developers to set aside at least 10 percent of the units for low-income elderly housing in any projects developed in Waikiki appeared to be a promising solution to the problem, if this requirement was accompanied by substantial government assistance to offset development costs and to subsidize rents. The Corporation further suggested that the resolution urge the Council of the City and County of Honolulu to pass an ordinance requiring Waikiki developers to provide such housing as a condition of receiving a building permit.

This measure has therefore been amended to request the Council of the City and County of Honolulu to pass such an ordinance. Accordingly, the title of this resolution has been amended to read, "REQUESTING THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO REQUIRE AFFORDABLE RENTAL HOUSING FOR THE LOW-INCOME ELDERLY IN WAIKIKI RESIDENTIAL DEVELOPMENT", to reflect the revised focus of this measure.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 260, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 260, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1719            Housing on H.R. No. 112**

The purpose of this resolution is to urge the Department of Business and Economic Development to instruct the Housing Finance and Development Corporation (HFDC) to work with the Advisory Committee for the State Housing Functional Plan to amend the State Housing Functional Plan by defining affordable housing as housing for persons or families whose incomes are identified as seventy-five percent or less of the median income of the county in which the housing is constructed.

HFDC testified against restricting affordable housing to those earning seventy-five of the median income. Such a requirement would entail huge subsidies. Additionally, families earning below eighty percent of the median income have generally been targeted for rental housing programs. The Affordable Housing Alliance testified that while setting the specific figure of affordability is not necessary now, more study needs to be undertaken to evaluate the concept and definition of "affordability." The Alliance felt that with the term "affordability", as currently used, various income groups are served inequitably.

Your Committee finds that more study is necessary to ensure that all housing need groups are equitably served. Your Committee further finds that should such study find that the definition of "affordable housing" needs to be amended, such amendment be made, thereby encouraging more creative solutions to the crisis in affordable housing.

Your Committee, therefore has amended this resolution in the following ways:

- 1) The problem of lack of construction of affordable housing for those with lower incomes has been highlighted;
- 2) The connection between the State Housing Functional Plan and the affordable housing requirements of the Land Use Commission has been drawn;
- 3) The resolution now calls for the HFDC to study the concept of affordability in terms of equitability before amending the State Housing Functional Plan;
- 4) Reference to the Department of Business and Economic Development and the Advisory Committee has been removed;
- 5) Reference to defining affordable housing as housing for those with less than 75 percent of the median income has been removed; and
- 6) For the purposes of style and clarity, technical and nonsubstantive changes have been made.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 112, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 112, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1720            Housing and Intergovernmental Relations and International Affairs on H.R. No. 239**

The purpose of this resolution is to request that the counties of Hawaii, Kauai, and Maui, and the City and County of Honolulu, express their views, either collectively or individually, as to whether a restriction on the legal separation and sale of Ohana units is desirable from the counties' viewpoint.

Your Committees find that the sale of ohana units under the condominium property law has led to speculation, contrary to the legislative intent of ohana zoning. Corrective action by the legislature may be warranted, and your Committees find that advice from the counties would be helpful.

Your Committees on Housing and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 239 and recommend its adoption.

Signed by all members of the Committees except Representatives Horita, Souki and Takamine.  
(Representative Liu did not concur.)

**SCRep. 1721            Transportation on H.R. No. 346**

The purpose of this resolution is to request the Department of Transportation to conduct a feasibility study on establishing a direct-access highway from Waikiki to the H-1 Freeway. This study will include cost estimates, the noise impact on Kaimuki High School, impacts on businesses and the neighborhood, and pedestrian safety.

Your Committee received testimony in support of this resolution from the Department of Transportation, the Hawaii Transportation Association, the Waikiki Improvement Association, and the Waikiki Neighborhood Board.

Your Committee finds that Waikiki ranks among the most densely populated areas in the United States. The traffic congestion resulting from the growing numbers of visitors and residents has increased over the years, and continues to increase at a rate that has exceeded the capacity for which the access routes were initially designed. Your Committee further finds that the traffic problem would be compounded by the proposed convention center in Waikiki. Your Committee finds this study necessary to address this growing problem.

Your Committee has amended this resolution by modifying this study into a joint effort between the Department of Transportation and the Department of Transportation Services of the City and County of Honolulu. Your Committee has further amended this resolution to include the noise impact on Iolani School.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 346, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 346, H.D. 1.

Signed by all members of the Committee except Representatives Souki and Yoshimura.

**SCRep. 1722            Transportation on S.C.R. No. 176**

The purpose of this concurrent resolution is to request the Department of Transportation to initiate a contra-flow lane pilot project on Kalanianaʻole Highway. This pilot project would operate from 5:30-6:30 p.m. on weekdays in the eastbound direction from West Hind Drive to Keahole Street in Hawaii Kai.

Your Committee received testimony in favor of this concurrent resolution.

Your Committee finds that eastbound traffic on the Kalanianaʻole Highway is extremely congested during the early evening hours. Your Committee further finds that the implementation of a contra-flow lane may help reduce this congestion.

Your Committee on Transportation concurs with the intent and purpose of S.C.R. No. 176 and recommends its adoption.

Signed by all members of the Committee except Representatives Souki and Yoshimura.

**SCRep. 1723            Transportation on H.R. No. 343**

The purpose of this resolution is to request the State Department of Defense to form a consensus with various state, county, and local agencies, on an alternate route for emergency evacuation of the Leeward Coast on Oahu.

Your Committee received testimony in favor of this resolution from the Department of Transportation.

Your Committee finds that only one main highway services the Waianae Coastline. In the event of a major disaster, Farrington Highway could be damaged which would threaten the safety of our citizens by hampering movement along the Waianae Coast.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 343 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1724            Transportation on H.R. No. 291**

The purpose of this resolution is to request the Department of Transportation to investigate the feasibility of developing and beautifying Farrington Highway in Waipahu.

Your Committee received favorable testimony on this resolution from the Department of Transportation, Waipahu Business Association, and Waipahu Neighborhood Board.

Your Committee finds that improving the highway and sidewalks along Farrington Highway may improve safety conditions as well as enhance the appearance of the surrounding areas.

This resolution requests the report to include the current and projected volume of traffic on Farrington Highway, and a five year plan for upgrading the aforementioned highway.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 291 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1725            Transportation on H.R. No. 286**

The purpose of this resolution is to request that the Department of Transportation fulfill the mandates of Act 397 to promulgate rules regulating tour aircraft operations by specifically addressing the routes and altitudes to be flown by helicopters conducting aerial tours and the noise abatement procedures to be employed in order to be granted a permit to operate.

Your Committee received testimony on this resolution from the Department of Transportation, the West Maui Taxpayers Association, and Citizens Against Noise.

Your Committee finds that there is much controversy and confusion concerning jurisdictional rights regarding the regulating of tour aircraft operations. Your Committee feels that this resolution is necessary to encourage the Department of Transportation to finalize its rules and regulations regarding the routes and altitudes to be flown by helicopters

conducting aerial tours, and the noise abatement procedures that must be adhered to in order to be granted a permit to operate.

Your Committee has amended this resolution to correct a typographical error.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 286, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 286, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1726                      Transportation on S.C.R. No. 38**

The purpose of this concurrent resolution is to direct the Department of Transportation to study the feasibility of establishing a direct access highway from Waikiki to the H-1 freeway.

Your Committee received testimony in favor of this concurrent resolution.

Your Committee finds that access roads to Waikiki are congested due to the high population density of the area, and the flow of tourists and residential traffic. Your Committee further finds that the State's plan to develop a convention center could further exacerbate the traffic situation. Your Committee finds that this study may address the growing traffic problem in Waikiki.

Your Committee has amended this resolution by having the study include, but not be limited to, the following:

- 1) Cost estimates for such a direct-access highway;
- 2) Noise impacts on Kaimuki High School and Iolani School;
- 3) Impacts on businesses, neighborhoods, air quality, and pedestrian safety; and
- 4) Impacts on affected area if a direct-access highway is not constructed within 10 years.

Your Committee has further amended this concurrent resolution by restricting the study to possible routes that do not interfere with normal vehicular traffic patterns along Kapiolani Boulevard, Date Street, and King Street.

Your Committee on Transportation concurs with the intent and purpose of S.C.R. No. 38, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 38, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Souki and Yoshimura.

**SCRep. 1727                      Transportation and Intergovernmental Relations and International Affairs on S.C.R. No. 80**

The purpose of this concurrent resolution is to request the President of the United States, Congress and each State Legislature to oppose any increase in the Federal Gasoline tax. This concurrent resolution also requests the United States Congress to make permanent the Highway Trust Fund.

Your Committees received testimony in support of this concurrent resolution.

Your Committees find that a gasoline tax is regressive and would affect the poor to a greater degree than those at higher income levels. Currently, gasoline is one of the most heavily taxed commodities.

Your Committees further find that a motor fuel tax increase may negatively affect tourism as well as other transportation-dependent industries.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 80 and recommend its adoption.

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

**SCRep. 1728                      Judiciary on S.B. No. 38**

The purpose of this bill is to amend the election fraud law to delete a phrase that was found unconstitutionally vague by the Hawaii Supreme Court.

Section 19-3 (8), Hawaii Revised Statutes, provides that a person is guilty of election fraud if such a person is a public officer who is required to do any act with reference to any law concerning elections, and who willfully fails, neglects, or refuses to do the same, or "who willfully performs it in such a way as to hinder the objects thereof..." The language in quotations was specifically found by the Hawaii State Supreme Court to be unconstitutionally vague. This measure would repeal that phrase. The bill also makes technical, non-substantive changes to the entire section for purposes of style and clarity.

Your Committee received testimony in support of this measure from the Chief Election Officer.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 38 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

**SCRep. 1729            Judiciary on S.B. No. 100**

The purpose of this bill is to repeal references to district court practitioners because this position no longer exists. The last such practitioner retired in July, 1988 and no new practitioners have been licensed since 1959.

Your Committee received testimony in favor of this measure from the Department of Commerce and Consumer Affairs.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 100 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

**SCRep. 1730            Judiciary on S.B. No. 431**

The purpose of this bill is to facilitate the timely processing of conveyance documents by amending the current requirements that all conveyance documents prepared by the Department of Land and Natural Resources must be signed by its Chairman and countersigned by a member of the Board of Land and Natural Resources.

This measure, as received by your Committee, would change the signature requirement to a single signature which shall be the chairperson or a duly authorized employee.

Your Committee received testimony in support of this bill from the Board of Land and Natural Resources as well as the Department of Transportation. Testimony indicates that this measure would promote faster and more timely processing of conveyance documents.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 431, 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. 1731            Judiciary on S.B. No. 654**

The purpose of this bill is to amend and update the statutory provisions pertaining to compulsory school attendance.

The bill deletes certain obsolete provisions such as the reference to Vocational Schools which are no longer in existence. References to District Court judges are eliminated since Family Court now has jurisdiction over school attendance.

This measure also updates the current statute by eliminating tutorial instructions as a separate category of exceptions to school attendance and treats tutorial programs as an alternative education program for which attendance exceptions may be granted.

An exemption to mandatory attendance is provided where the principal is notified of the intent to provide home education in accordance with Department of Education rules. The bill further requires employers of children who are excused from school in order to work to notify the school within three days upon termination of the children's employment, thereby allowing the school to effectuate immediate follow-ups.

Your Committee received supporting testimony from the Office of the Superintendent of Education. The testimony indicates that this measure comports with current practice in the school system, and serves to update the law relative to compulsory school attendance.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 654, 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. 1732            Judiciary on S.B. No. 1830**

The purpose of this bill is to extend the filing deadline for criminal injuries compensation claims under special circumstances.

Section 351-62, Hawaii Revised Statutes, currently provides that criminal injuries compensation payments shall not be made unless an application for compensation has been made within eighteen months after the date of injury, death, or property damage. This bill would allow, for good cause, compensation for claims filed beyond the eighteen-month period when the victim is a minor or is mentally incapacitated.

Your Committee heard testimony in support of this bill from the Department of Corrections, and Criminal Injuries Compensation Commission.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1830, and recommends that it pass Third Reading.

Signed by all members of the Committee.

**SCRep. 1733            Judiciary on S.B. No. 1816**

The purpose of this bill is to require that all claims made to the Medical Claims Conciliation Panel (MCCP) be in writing; and to provide that the MCCP receive all medical records relating to the care of the patient which are necessary to complete its review of a case.

Your Committee received testimony in support of this bill from the Department of Commerce and Consumer Affairs, and the Medical Coalition for Tort Reform. The Hawaii Academy of Plaintiffs Attorneys supported the bill in part but raised some concerns about the potentially narrow reading which might be given the term "medical records."

Your Committee believes that anyone who wants to file a case before the MCCP should be required to make that claim in writing and sign it. Given the seriousness of the allegation that such a claim represents, the requirement added by this bill is appropriate.

Your Committee also believes that the MCCP should not permit general discovery, which would allow its process to become like a judicial proceeding. It is also the intent of your Committee that the MCCP have full access to the records it needs to do its work effectively. Therefore, this bill provides that discovery shall not be allowed except for the records which by statute are already matters for the Panel to be considered under provisions of the section involved.

Your Committee does not intend to allow discovery of financial and billing records, employee schedules, peer review materials, and items which have no bearing on the care of the patient.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1816, 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 Amaral and Andrews.

**SCRep. 1734            Judiciary on S.B. No. 753**

The purpose of this bill is to amend the definition of an expenditure under the State's lobbyists law to include any compensation paid to a lobbyist for the performance of lobbying duties.

Your Committee finds that there is an inequity in the lobbyists law because companies (and other organizations) who have their employees lobby for them as part of the employees' job duties are not required to report the compensation paid to the employees for the lobbying services rendered. However, any company that hires an "outside" lobbyist is required by law to disclose the compensation paid to that "outside" lobbyist.

Your Committee heard favorable testimony on this measure from the State Ethics Commission and Common Cause Hawaii. The State Ethics Commission testified that all compensation paid for lobbying services should be disclosed, whether paid to an "outside" lobbyist or to a company employee who lobbies as part of his or her employment for the company. The purpose of the lobbyists law is to allow the public and public officials to know how much money companies or individuals are spending for lobbying purposes.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 753 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

**SCRep. 1735            Judiciary on S.B. No. 739**

The purpose of this bill is to expand the availability of adult probation records while continuing to insure confidentiality.

Currently, the limitations of access to these records hinders the performance of other agencies who need access to these files. These agencies include state and federal criminal justice agencies responsible for supervising the defendant or offender.

Your Committee received testimony in favor of this measure from the Judiciary.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 739 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

**SCRep. 1736            Judiciary on S.B. No. 36**



The purpose of this bill is to clarify the inconsistency in the law relating to the campaign spending commission. With regard to complaints and investigations of alleged improper election campaign contributions and expenditures, the current law requires public hearings concomitant with a requirement for confidentiality. This bill would remove the conflicting language from the statute and articulate the legislative intent to maintain confidentiality.

Your Committee received testimony in support of this bill from the Executive Director of the Campaign Spending Commission that indicated that this measure would provide the needed clarity and would enhance the commission's ability to administer and enforce the law.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 36 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

**SCRep. 1737            Judiciary on S.B. No. 15**

The purpose of this bill is to repeal chapter 129, Hawaii Revised Statutes, relating to blackouts and illumination control.

Chapter 129 delineates the duties of the Governor, in cooperation with Federal and State Agencies, in imposing measures of illumination control, blackouts and tests, practices, or drills. Your Committee finds that the provisions of chapter 129 are included in chapter 128, which is the Civil Defense and Emergency Act.

Your Committee heard testimony in support of this bill from the State Adjutant General and State Director of Civil Defense.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 15 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

**SCRep. 1738            Judiciary on S.B. No. 113**

The purpose of this bill is to extend immunity from civil liability to members of ethics committees.

Section 663-1.7, Hawaii Revised Statutes, currently provides exemptions from civil liability to members of certain bodies, such as peer review committees. This bill would extend the list of exempted persons to include members of ethics committees.

Your Committee heard supporting testimony from the Department of Health and from the Medical Coalition for Tort Reform.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 113, 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 Amaral and Andrews.

**SCRep. 1739            Consumer Protection and Commerce on S.B. No. 905**

The purpose of this bill is to clarify the original intent and meaning of Section 431:10C-307, Hawaii revised Statutes, which is to reimburse the no-fault insurer for up to one-half of the maximum limits if the injured party recovered from the tortfeasor damages which duplicated the no-fault benefits already paid. This was also the original intent and meaning of its predecessor statute, Section 294-7, Hawaii Revised Statutes.

Section 431:10C-307 currently provides that whenever any person effects a tort liability recovery for accidental harm which duplicates no-fault benefits already paid under Article 10C of the Insurance Code, the no-fault insurer is "subrogated to" fifty per cent of the no-fault benefits, up to certain maximum limits. This bill substitutes the word "reimbursed" for the phrase "subrogated to", and specifies that the reimbursement would be "by such person receiving the duplicate benefits".

Your Committee heard testimony in support of this bill from the Department of Commerce and Consumer Affairs, the Hawaii Insurers Council, and the Hawaii Academy of Plaintiffs' Lawyers.

Your Committee was informed that the long standing practice in the insurance industry and the legal community has been to interpret this section in accordance with the original intent and meaning in mind as requiring reimbursement. However, some questions as to the proper interpretation of this section have been raised by the recent Hawaii Supreme Court decision in Grain Dealers Mutual Ins. Co. v. Pacific Insurance Co., Ltd., 69 Haw. \_\_, Supreme Court of Hawaii No. 12675 (January 18, 1989).

Your Committee believes that this bill will clearly reflect the original intent and meaning of Section 431:10C-307, Hawaii Revised Statutes, and its predecessor, Section 294-7, Hawaii Revised Statutes, that the no-fault insurer's right to reimbursement is available only when the claimant actually receives damages from the tortfeasor which duplicate the no-

fault benefits already paid, and that the insurer's right to reimbursement is solely enforceable against the insured claimant.

Your Committee finds that it was always intended that Section 431:10C-307, Hawaii Revised Statutes, provided such a right of reimbursement and not subrogation.

This bill will protect the consumer and clarify the law.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 905, 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 Cavasso.

**SCRep. 1740 Consumer Protection and Commerce on S.B. No. 1872**

The purpose of this bill is to amend Section 449-15, Hawaii Revised Statutes, to authorize the Commissioner of Financial Institutions to impose a specific fine on escrow depositories for the late filing of audit reports.

Under current law, the failure to comply with the annual audit report requirement is grounds for the suspension or revocation of the escrow depository's license. Current law also authorizes the Commissioner to order an independent audit at the expense of the escrow depository for such failure. This bill would authorize the Commissioner to impose an administrative fine of \$100 per day for each day the audit report was overdue.

Your Committee heard testimony in support of this bill from the Department of Commerce and Consumer Affairs, which advised your Committee that the \$100 per day fine for the late filing of an audit report is a more reasonable penalty than the extreme sanction of a suspension or revocation of the escrow depository's license.

Your Committee believes that the Commissioner should have greater flexibility in imposing sanctions against escrow depositories for the late filing of audit reports, as provided in this bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1872 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 Peters.

**SCRep. 1741 Consumer Protection and Commerce on S.B. No. 966**

The purpose of this bill is to amend Section 461J-7, Hawaii Revised Statutes, to clarify the practice of the Board of Physical Therapy in waiving the written examination for licensing candidates from other states.

The present law refers to "reciprocity" for applicants from other states seeking licensure as physical therapists. The amendment proposed in this bill would replace the term "reciprocity" with the term "examination waiver."

Reciprocity reflects the mutual recognition by one state of the validity of a license to practice issued by another state. An examination waiver enables an applicant to obtain a license without taking the written examination, provided that the applicant has scored equal to or higher than the board's passing score on the examination administered in another state.

Your Committee received testimony in support of the bill from the Board of Physical Therapy, and finds that the substitution of examination waiver for reciprocity describes the practice of the Board more accurately.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 966 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 Hagino and Cavasso.

**SCRep. 1742 Consumer Protection and Commerce on S.B. No. 963**

The purpose of this bill is to amend the temporary licensing provisions for dentists.

Section 448-12(a), Hawaii Revised Statutes, provides that a temporary license shall be in force until: (1) the date the person leaves the employment authorized under the temporary license; (2) the three hundred sixty-fifth calendar day following the date of issuance of the temporary license; (3) the date on which the person takes the licensure examination; or (4) the date on which the board revokes the temporary license; whichever occurs first; provided that the board may revoke the temporary license at any time for cause.

This bill would extend the temporary permit an additional 31 days, from 365 to 396 calendar days; and would allow the temporary licensee to continue the practice of dentistry until the examination results are posted, rather than when the person takes the examination.

Your Committee received testimony in support of this bill from the Board of Dental Examiners. Your Committee finds that the additional days would allow an outgoing permittee to assist in the training and orientation of new incoming permittees, and until the examination results are posted will enable the applicant to continue working, rather than remaining idle from the time the examination is taken until the results are posted.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 963 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 Cavasso.

**SCRep. 1743 Consumer Protection and Commerce on S.B. No. 297**

The purpose of this bill is to extend the regulation of contractors under Chapter 444, Hawaii Revised Statutes, to December 31, 1995. This bill also requires the Contractors License Board to conduct a comprehensive review of, and to establish uniform criteria to govern issuance of, all general and specialty license classifications.

Testimony in support of this bill was received from the Contractors License Board, the Hawaii Flooring Association, the Hawaii Roofing Contractors Association, the Mason Contractors Association of Hawaii, the Pacific Insulation Contractors Association, and the Construction Industry Legislative Organization.

Your Committee believes that the public interest will be served by continued regulation of contractors, and by the study proposed by this bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 297, 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 Cavasso.

**SCRep. 1744 Consumer Protection and Commerce on S.B. No. 308**

The purpose of this bill is to delineate and clarify the respective obligations of landlords and tenants to comply with all applicable building and housing laws affecting health and safety. Companion House Bill No. 185 passed without amendment.

Sections 521-42(a)(1) and 521-51(1), Hawaii Revised Statutes, provide that the landlord or the tenant, must comply with all applicable provisions of any state or county law, code, ordinance, or regulation, noncompliance with which would have the effect of endangering health or safety, governing maintenance, construction, use, or appearance of a dwelling.

Your Committee finds that the current law may be confusing to tenants and nonprofessional property managers. The proposed bill would shorten and clarify the language relating to health and safety by stating that the landlord and the tenant shall comply with all applicable "building and housing laws materially affecting health and safety," and omits any reference to the appearance of dwelling units.

Representatives from the Department of Commerce and Consumer Affairs and the Hawaii Association of Realtors testified in favor of this bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 308 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 Hagino and Cavasso.

**SCRep. 1745 Consumer Protection and Commerce on S.B. No. 869**

The purpose of this bill is to amend Section 431:10-219, Hawaii Revised Statutes, regarding the multi-peril insurance rate sheet. The bill will eliminate the requirement that insurers attach specifically formatted rate sheets to multi-peril policies. This measure will afford insurers flexibility in the way they present rating information applicable to multi-peril policies. In lieu of the rate sheet, insurers issuing multi-peril policies will be required to provide the policyholder with a written statement of the premiums and amounts of insurance by line of coverage as well as the rating factors used in the computation of the final premium.

Your Committee heard testimony in favor of this bill from the Department of Commerce and Consumer Affairs, Insurance Division and the Hawaii Insurers Council.

The Division testified that insurers presently issuing multi-peril policies are required to attach a separate rate sheet to the policy containing the premium breakdown by line of coverage and indicating the rating factors used to compute the premium. The Division advised that S.B. No. 869, S.D. 1, would clarify that policyholders continue to receive such information, although not necessarily in the rate sheet format.

Your Committee believes that insurers should be given the flexibility to develop their own formats for detailing multi-peril rating information. At the same time, the policyholder will receive that information, to which he or she is currently entitled under Section 431:10-219, Hawaii Revised Statutes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 869, 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. 1746 Consumer Protection and Commerce on S.B. No. 1949**

The purpose of this bill is to authorize the Public Utilities Commission to regulate and inspect gas pipeline systems that are owned and operated by nonpublic utility companies or entities. These nonpublic utility gasline systems are commonly referred to as "master meter systems."

Your Committee finds that the regulation and inspection of gas pipeline systems are under the jurisdiction of the U.S. Office of Pipeline Safety. Although initial jurisdiction remains at the federal level, states are provided the option of assuming responsibility for the regulation and inspection of the master meter systems, accompanied by federal funding support for any state assuming this responsibility.

Since 1970, Hawaii, through its Public Utilities Commission, has been inspecting gas pipeline systems owned and operated by public utilities, and since 1979, it has exercised enforcement authority over the systems owned and operated by public utilities. Gas pipeline systems not owned or operated by public utilities companies, such as those at housing projects or apartments, are not regulated by the Public Utilities System under current law.

This bill would extend the authority of the Public Utilities Commission over nonpublic gas pipeline systems in the interest of safety to life and property.

Your Committee received testimony in favor of this bill from the Public Utilities Commission.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1949, 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. 1747 Consumer Protection and Commerce on S.B. No. 1860**

The purpose of this bill is to amend Section 269-3, Hawaii Revised Statutes, to provide for the appointment of research assistants by the Chairman of the Public Utilities Commission to be exempt from Chapter 76, Civil Service Law, and Chapter 77, Compensation Law, Hawaii Revised Statutes.

Your Committee heard testimony in support of this bill from the Chairman of the Public Utilities Commission, who testified that the research assistants are needed to support the Commission in establishing policies in the areas of telecommunications and energy, and conducting research in such areas. The establishment of policies will guide the Commission in conducting its regulatory functions and assisting the utilities in their planning processes.

Your Committee believes that research assistants will provide the Commission with needed support. By exempting the positions from the provisions of Chapters 76 and 77, Hawaii Revised Statutes, the Chairman of the Public Utilities Commission would be provided the flexibility to hire and replace research assistants as program issues and directions changed.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1860, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

**SCRep. 1748 Consumer Protection and Commerce on S.B. No. 1428**

The purpose of this bill is to amend Section 269-28(b), Hawaii Revised Statutes, to bring the State's maximum penalty for violations of safety requirements by public utility gas pipeline distribution systems into conformity with federal penalties.

Your Committee finds that the present law provides for a civil penalty not to exceed \$25,000 for each day of violation of safety requirements, and a maximum penalty not to exceed \$200,000 for related violations arising out of the same act, omission or occurrence. The daily penalty conforms to that in the federal Pipeline Safety Reauthorization Act of 1988, but the maximum penalty is not in conformance.

The bill would retain the daily penalty of \$25,000, but would increase the maximum penalty for violations to \$500,000, bringing the provisions of section 269-28(b), Hawaii Revised Statutes, into conformity with the federal Pipeline Safety Reauthorization Act of 1988.

Your Committee received testimony in favor of this bill from the Public Utilities Commission.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1428 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

**SCRep. 1749 Consumer Protection and Commerce on S.B. No. 299**

The purpose of this bill is to amend Section 26H-4, Hawaii Revised Statutes, to extend regulation of electricians and plumbers under Chapter 448E, Hawaii Revised Statutes. This bill also amends the contractors license law, Chapter 444,

Hawaii Revised Statutes, to ensure that electrical and plumbing work on owner-builder property is performed safely in conformance with applicable building codes.

Under Section 444-2(7), Hawaii Revised Statutes, owners or lessees of property who builds or improve structures on their property for family use, and not for sale or lease, are exempt from the requirements of Chapter 444. This bill would make the exemption inapplicable to electrical or plumbing work, which must be performed only by persons or entities licensed under Chapter 444 or the owner or lessee of the property if the owner or lessee is licensed under Chapter 448E, Hawaii Revised Statutes.

This bill would also require the owner-builder registration list maintained by each county or local subdivision of the state, to include information of whether any electrical or plumbing work to be performed and the name and license number of the person or entity who will do the work.

The Board of Electricians and Plumbers, the Pacific Electrical Contractors' Association, and the Plumbing & Mechanical Contractors Association of Hawaii testified in support of this bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 299, 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 Cavasso.

**SCRep. 1750 Consumer Protection and Commerce on S.B. No. 959**

The purpose of this bill is (1) to clarify that the Attorney General's authority with regard to consumer protection matters is not preempted by the authority of the Office of Consumer Protection; (2) to clarify the authority of the Office of Consumer Protection to seek an injunction in all cases in which it is empowered to sue; (3) to provide a mechanism to toll the statute of limitations for commencement of an action by the State under Chapter 480, Hawaii Revised Statutes; and (4) to provide that corporate officers, directors, or agents may be personally liable for wrongful conduct of a corporation, if those individuals have participated in the wrongful conduct.

Your Committee heard testimony in support of this bill from the Department of Commerce and Consumer Affairs. The Department advised your Committee that Section one of the bill would provide needed clarification that the Attorney General's authority in consumer protection matters is coextensive with the authority of the Director of the Office of Consumer Protection ("OCP").

The Department testified that the tolling provisions of Section two of the bill will assist it in bringing cases which otherwise may be hampered when respondents remove themselves from the State, file petitions for relief under the Bankruptcy Code, or have criminal actions brought against them.

Section three of this bill is intended to codify the holding of the recent Hawaii Intermediate Court of Appeals decision in Eastern Star, Inc., S.A. v. Union Building Materials Corp., 6 Haw. App. \_\_, 712 P.2d 1148 (1985). The Department advised your Committee that in some cases, an injured consumer is left to seek restitution from a corporation which is no more than an empty shell. Often, the persons who have profited from the unlawful acts or practices of the corporation are the principals who controlled or should have controlled the activities of the corporation. This bill would allow the court the discretion to impose personal liability upon corporate actors who authorized, ordered, have done or participated in the unlawful acts.

Section four of the bill clarifies that OCP is authorized to seek an injunction in all cases where it is empowered to sue. Under current law, OCP is specifically authorized to bring civil proceedings to enjoin persons from practicing a licensed discipline without the benefit of a license.

With respect to Section three of the bill, the Hawaii Business League submitted that personal liability should not be imposed on corporate actors unless they "actively" participated in the unlawful corporate acts. Your Committee declines to adopt the League's recommendation, and intends for the courts to determine the level of participation necessary to warrant the imposition of personal liability on corporate actors.

Your Committee believes that this bill will strengthen the ability of the Office of Consumer Protection to protect the interests of both the consumer public and the legitimate businessman.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 959, S.D. 2, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Hayes.

**SCRep. 1751 Consumer Protection and Commerce on S.B. No. 1819**

The purpose of this bill is to amend Chapter 451A, Hawaii Revised Statutes, relating to hearing aid dealers and fitters, in order to make it consistent with Chapter 481C, Hawaii Revised Statutes, which governs door-to-door sales in Hawaii.

Section 451A-14(6), Hawaii Revised Statutes, incorrectly references Section 476-1, Hawaii Revised Statutes, regarding the definition of "house of house".

Your Committee received testimony from the Board of Hearing Aid Dealers and Fitters who stated that the term "house-to-house" became obsolete when the Legislature adopted Chapter 481C, Hawaii Revised Statutes, governing door-to-door sales.

The amendment proposed in this bill would bring Chapter 451A, Hawaii Revised Statutes, Hearing Aid Dealers and Fitters, into conformity with Chapter 481C, Hawaii Revised Statutes, Door-to-Door Sale, by providing that no person shall sell hearing aids through "door-to-door sales" as defined in Chapter 481C.

The Board of Hearing Aid Dealers and Fitters presented testimony in support of this bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1819 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 Peters.

**SCRep. 1752            Consumer Protection and Commerce on S.B. No. 54**

The purpose of this bill is to provide that an amendment to the articles of incorporation of a corporation which would add, change, or delete a greater voting requirement shall be adopted by the same vote and classes or series then in effect or proposed to be adopted, whichever is greater.

The present law, Section 415-143, Hawaii Revised Statutes, provides that unless a greater voting percentage is required by the articles of incorporation, a majority vote is required to amend the articles of incorporation. This bill provides that if the articles of incorporation require a supermajority vote for any action, then any vote to reduce that requirement would need the supermajority vote then in effect. Likewise, if a requirement for a supermajority vote is proposed to be added to the articles of incorporation, the amendment must be adopted by the supermajority vote proposed.

Your Committee finds that the proposed language is based on the Model Business Corporation Act.

The Department of Commerce and Consumer Affairs did not object to the proposed language in the bill, but noted that the adoption of this measure would increase the time needed to review and process articles of incorporation proposed by corporations.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 54, 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 Peters.

**SCRep. 1753            Consumer Protection and Commerce on S.B. No. 964**

The purpose of this bill is to amend the examination qualifications for dental hygienists.

This bill would amend Section 447-1 subsection (a) and Section 447-3 subsections (b) and (c), Hawaii Revised Statutes, to require all applicants for a dental hygienist license to be certified in the administration of intra-oral infiltration local anesthesia by an accredited dental hygiene school or by a certification program previously approved by the Board of Dental Examiners before being eligible for examination and licensure as a dental hygienist.

Your Committee finds that most dental hygiene schools, including the University of Hawaii, now include a course in "local anesthesia" in their regular curriculum and believes that all dental hygienists should be able to perform this expanded function as a condition for licensure.

Your Committee received testimony in support of this bill from the Board of Dental Examiners.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 964 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 Peters.

**SCRep. 1754            Consumer Protection and Commerce on S.B. No. 1190**

The purpose of this bill is to amend the Hawaii Revised Statutes by adding a new chapter to provide a mechanism to determine the best method to implement the regulation of real estate appraisers.

Your Committee finds that the regulation of real estate appraisers will help to protect consumers. Your Committee also finds that by July 1, 1991, appraisals for property serving as collateral for direct or guaranteed federal loans will require that the appraisal be conducted by a licensed or registered appraiser. Pending federal legislation would require most real estate loans and home purchases to be made by certified appraisers.

This bill would establish a real estate appraisal program within the Department of Commerce and Consumer Affairs, under the administration of its Director. The Director would establish rules for the practice of real estate appraisal, enforce the rules, and discipline appraisers who violated the rules.

The Director of the Department of Commerce and Consumer Affairs, with the assistance of interested groups, would conduct a review and evaluation of appraising for the purpose of reporting relevant findings and recommendations to the Legislature, not less than twenty days prior to the convening of the regular session of 1990. Such recommendations shall include: (1) a statutory mechanism for the regulation of real estate appraisers to include a registration, certification, or licensure scheme; (2) minimal requirements necessary to regulate real estate appraisers; (3) staffing requirements to implement the program; (4) a transition timetable for implementation of the regulation of real estate appraisers; and (5) any other recommendation or consideration which would be helpful for deliberations of the Legislature.

Your Committee heard testimonies in support of this bill from the Department of Commerce and Consumer Affairs, the Hawaii Association of Realtors, the Mortgage Bankers Association of Hawaii, the Honolulu Chapter of the American Institute of Real Estate Appraisers, the Honolulu Chapter of the American Society of Appraisers, the Honolulu Chapter of the Society of Real Estate Appraisers, and the Legislative Chairman of the International Rights of Way.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1190, S.D. 2, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Cachola.

**SCRep. 1755 Consumer Protection and Commerce on S.B. No. 514**

The purpose of this bill is to amend Section 514A-16(b), Hawaii Revised Statutes, to delete the requirement that trust funds be established to pay for common expenses.

Under the present law, monies collected by an association of apartment owners for payment of common expenses shall be placed in a trust fund for paying the cost of labor or materials performed or furnished at the request of the manager or board of directors, and shall be expended for such purpose before expending any part of these funds for any other purpose.

Your Committee finds that condominium associations have difficulty in obtaining loans to make capital improvements. Since providers of labor and materials are allowed to levy liens on the reserve funds of an association at any time, these liens must be satisfied prior to any lender's interest in the reserve fund. This bill would eliminate this provision, enabling all creditors of an association to be treated equally. Financial institutions then would be more willing to provide loans to condominium associations.

Testimonies in support of this bill were received from the Hawaii Association of Realtors and the Hawaii Council of Associations of Apartment Owners.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 514 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

**SCRep. 1756 Consumer Protection and Commerce on S.B. No. 770**

The purpose of this bill is to grant a new franchise to Molokai Electric Company, Limited (Molokai Electric) to provide electric power for the entire island of Molokai, including Kalawao County, commonly known as Kalaupapa Settlement.

Your Committee finds that the earliest Molokai Electric franchise was issued to Hoolehua Company in 1931, and subsequently assigned to Molokai Electric. The term of the existing franchise, fifty years, has lapsed, although Molokai Electric continues to operate as a public utility under the "grandfather clause," pursuant to Section 269-7.5, Hawaii Revised Statutes. Your Committee also finds that Hawaiian Electric, Maui Electric, and Molokai Electric have obtained approval from the Public Utilities Commission and Securities Exchange Commission for the merger of Molokai Electric with Maui Electric within three years. Additionally, your Committee finds that service to Kalawao County, Kalaupapa Settlement, is not included in Molokai Electric's current franchise agreement.

This bill would: (1) grant a new franchise to Molokai Electric; (2) clarify that the franchise would continue upon the merger of Molokai Electric and Maui Electric by including the words, "and its successors and assigns", in the definition of "corporation"; and (3) extend the service area of Molokai Electric to include Kalawao County to provide for the possibility of extending service thereto in the future. Since Kalawao County comes under the administration of the Department of Health, the bill provides for the involvement of the Director of Health with regard to changing, amending or adding rules affecting Kalawao County.

Your Committee heard testimony in support of this bill from the Public Utilities Commission and from Molokai Electric.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 770, 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. 1757 Consumer Protection and Commerce on S.B. No. 1426**

The purpose of this bill is to amend Chapter 269, Hawaii Revised Statutes, by adding a new section to require the Public Utilities Commission to, by rule or order, adopt and enforce operating requirements for the provision of operator-

assisted telephone services by an aggregator. The bill defines an "aggregator" as a person or entity that is not a telecommunications carrier, who, in the ordinary course of its business, makes telephones available and aggregates the calls of the public or transient users of its business, including but not limited to a hotel, motel, hospital, or university, that provides operator-assisted services through access to an operator service provider.

Your Committee finds that alternate operator service providers are not subject to regulation by the Public Utilities Commission, unless such services cover intra-state telephone services or where the billing and collection of the services are arranged with Hawaiian Telephone Company.

The absence of regulatory controls has resulted in abuses in some states, such as: excessive rates, charges for incomplete calls, bills from unknown companies, complaint procedure inadequacies, and inability to reach long distance companies desired by the users.

The bill requires that the requirements to be adopted by the Public Utilities Commission include, among other things, requirements that the aggregator provide the customer with information concerning the identity of the operator service provider and the rates, terms, conditions, and means of access to various operator service providers; and that the aggregator allow the customer access to any operator service provider operating in the relevant geographic area.

Your Committee received testimony in support of this bill from the Department of Commerce and Consumer Affairs, the Public Utilities Commission, and AT&T.

Your Committee believes that by regulating aggregators, complaints about operator-assisted services will be minimized. Information which the bill requires aggregators to provide for users will be a protection against unfair rates and practices by operator service providers.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1426, 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. 1758 Consumer Protection and Commerce on S.B. No. 592**

The purpose of this bill is to amend Section 408-14, Hawaii Revised Statutes, to clarify the specific powers of industrial loan companies.

The bill would delete the requirement that a certificate issued by an industrial loan companies receive prior approval by the Commissioner of Financial Institutions, and bear on its face the words, "This is not a certificate of deposit." The bill would also clarify that the Commissioner of Financial Institutions retains authority to determine which companies are authorized to issue investment or thrift certificates.

Your Committee finds that requiring the Commissioner of Financial Institutions to approve every new instrument issued by thrift companies is an unreasonable expectation. Furthermore, your Committee finds that the phrase, "This is not a certificate of deposit," is obsolete and contrary to fact since the thrift instruments are certificates of deposit.

The Department of Commerce and Consumer Affairs advised your Committee that this bill is basically a housekeeping measure and the provision that is being deleted is outdated. The Hawaii Financial Services Association testified in support of this bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 592 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 Peters.

**SCRep. 1759 Consumer Protection and Commerce on S.B. No. 368**

The purpose of this bill is to clarify and strengthen the provisions relating to the regulation and operations of condominium hotels.

Specifically, the bill would do the following:

- (1) Clarify that the definition of "condominium hotel" includes apartments in a condominium property regime providing transient lodging for periods of less than thirty days. Operating a condominium hotel would include renting or leasing apartments from the owner in order to provide transient lodging;
- (2) Require annual rather than biennial registration with the Real Estate Commission and payment of initial and annual registration fees;
- (3) Amend bonding requirements by exempting consideration of units included in a registered time share plan managed by a registered time share plan manager;
- (4) Require all persons who have custody of funds received by the condominium hotel operator to be covered by a fidelity bond;



- (5) Exempt operators from real estate broker license requirements if they are operating exclusively in condominium projects specifically authorized as hotels by county zoning regulations and permitted by the condominium declaration and bylaws; and
- (6) Provide that first recourse for recovery by an apartment owner aggrieved by a dishonest condominium hotel operator or the operator's agent shall be the fidelity bond and second recourse shall be the Real Estate Recovery Fund, if the violator is a real estate licensee.

The Real Estate Commission and the Hawaii Hotel Association testified in support of this bill.

Opposing testimony was presented by a bondsman who testified that a fidelity bond will not protect the public or an apartment owner from the dishonest acts of a condominium hotel operator. The testifier urged that the bill be rewritten to require procurement of a license bond, in order to achieve the degree of protection contemplated by the bill.

Your Committee finds that this measure appropriately addresses and clarifies continuing questions and problems relating to condominium hotel operation. The bill is the result of the study by the Hawaii Real Estate Research and Education Center, entitled, "Report to the Legislature on a Review of Act 141, SLH 1985, Act 296, SLH, 1987, Act 225, SLH 1988, Relating to Condominium Hotel Operators." Your Committee wishes to emphasize that the real estate license provision is required of condominium hotels, and not traditional or non-condominium hotels.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 368, 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 Peters.

**SCRep. 1760 Consumer Protection and Commerce and Judiciary on S.B. No. 659**

The purpose of this bill is to enable the Department of Health, pursuant to Chapter 91, Hawaii Revised Statutes, to adopt rules respecting hospices, as it deems necessary for the public health and safety. This bill would also make the intentional operation of a hospice without a license a misdemeanor.

Your Committees received testimony in support of this bill from the Department of Health and a retired public nurse. To ensure quality, the Department recommended the development of a minimum set of standards for licensure of hospice programs in the Administrative Rules. Currently, the Department does not license hospice programs.

Your Committees find that hospice programs are a valuable part of our health care system. Your Committees concur with the opinion of the Department of Health, that State licensure appears to be necessary to distinguish between legitimate programs and others, and to assure the public that hospice programs are adhering to a basic or minimum level of competence and standards. Your Committees further find that it is important that the rules authorized by this bill be written so as not to jeopardize acceptable, but more limited rural programs.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 659 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

**SCRep. 1761 Labor and Public Employment on H.R. No. 335**

The purpose of this resolution is to propose a study by the Legislative Reference Bureau of public employees in order to determine the extent of family caregiving and the resultant productivity disruption, and to make recommendations enabling employees to better cope with and improve caregiving, as well as to reduce work day loss.

Your Committee received testimony in support of this measure from the Department of Personnel Services.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 335 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

**SCRep. 1762 Education on H.R. No. 410**

The purpose of this resolution is to request that the House Committee on Education conduct interim hearings and to make site visitations to determine the status of the school repair and maintenance program.

The Department of Education testified in favor of this measure.

Your Committee finds that the physical condition of our public school facilities is a matter of the highest priority.

Your Committee on Education concurs with the intent and purpose of H.R. No. 410 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representative Hashimoto.

**SCRep. 1763            Education on H.R. No. 379**

The purpose of this resolution is to request the House Education Committee to attend a Junior Achievement class to learn what kinds of assistance might be useful.

The Department of Education submitted testimony in support of the resolution, recognizing that Junior Achievement programs have been successfully implemented at elementary, intermediate, and high schools throughout Hawaii's public education system.

Upon further consideration, your Committee has amended the resolution as follows:

- (1) Deleted the provision that the House Education Committee attend the class immediately after adjournment of the Legislature, thereby allowing it to determine a date which is appropriate and convenient;
- (2) Added a provision requesting representatives of the Hawaii Business Roundtable and the Chamber of Commerce of Hawaii to attend the class also; and
- (3) Required that certified copies of the resolution be transmitted to the Speaker of the House of Representatives, the Chairman of the House Education Committee, the Chairman of the Hawaii Business Roundtable, and the President of the Chamber of Commerce of Hawaii.

Technical, nonsubstantive amendments have also been made for purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.R. No. 379, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the dorm attached hereto as H.R. No. 379, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Hashimoto, Hirayama and Stegmaier.

**SCRep. 1764            Judiciary on S.B. No. 20**

The purpose of this bill is to consolidate Parts I, II, and III of Chapter 52, Hawaii Revised Statutes, into a single part equally applicable to the Police Departments of every County. The bill eliminates obsolete, conflicting, and outdated provisions from the present law and makes uniform the law relating to Police Departments.

The bill addresses concerns put forth by an Ad Hoc Committee comprised of members from each County Police Department.

Your Committee received testimony in support of this measure from representatives of the Department of Education and the Honolulu Police Department.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 20 and recommends that it pass Third Reading.

Signed by all members of the Committee.

**SCRep. 1765            Judiciary on S.B. No. 25**

The purpose of this bill is to repeal Chapter 57, Hawaii Revised Statutes, which relates to Urban and Regional Design.

At present the Counties have general and specific powers to govern themselves with regard to design. As such, your Committee finds that Chapter 57 poses an unnecessary intrusion into the jurisdiction of the Counties.

Your Committee received testimony in support of this measure from the Land Use Research Foundation of Hawaii.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 25 and recommends that it pass Third Reading.

Signed by all members of the Committee.

**SCRep. 1766            Judiciary on S.B. No. 1465**

The purpose of this bill is to specify that the Housing Finance and Development Corporation (HFDC) has the power to file or cause to be filed a legal action on behalf of or by certain owners or lessees for claims resulting from a substantial construction defect.

As received by your Committee, this measure would also authorize the HFDC to file or cause to be filed class actions in such cases.

Your Committee received testimony in support of this measure from the Executive Director of the Housing Finance and Development Corporation, and finds that this bill will give the HFDC flexibility in addressing problems caused by substantial construction defects. Testimony revealed that there are situations where it is advisable to have the

homeowner, rather than the HFDC, file legal actions, such as when liability on the part of other parties is questionable and the HFDC does not want to assume the responsibility of initiating the action.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1465, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

**SCRep. 1767 Ocean and Marine Resources; Water and Land Use; and Transportation on S.C.R. No. 185**

The purpose of this concurrent resolution is to authorize the Department of Transportation to dispose, by way of a lease, certain government submerged lands for the purpose of a marine fueling facility and other services.

Your Committees received testimony in support of this concurrent resolution from the Department of Transportation (DOT).

Section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution before DOT may lease submerged and tidal lands.

Your Committees find that the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, adopted H.C.R. No. 117 which authorized DOT to dispose of a lease for a marine facility for a term of twenty (20) years. However, the term of twenty (20) years has been considered too short to amortize the required investment and the purpose too limited.

Your Committees further find that DOT now proposes to dispose of, by lease for a longer term, 12,466 square feet of submerged and tidal lands for a marine fueling facility, convenience store, laundromat, mooring of vessels, and other approved related marine services at Ala Wai Small Boat Harbor, Honolulu, Hawaii.

Your Committees on Ocean and Marine Resources and Water and Land Use and Transportation concur with the intent and purpose of S.C.R. No. 185 and recommend its adoption.

Signed by all members of the Committees.

**SCRep. 1768 Ocean and Marine Resources; Water and Land Use; and Transportation on S.C.R. No. 187**

The purpose of this concurrent resolution is to authorize the Department of Transportation to dispose of, by lease, certain submerged and tidal lands for the purpose of a shipyard and marine-related facility.

Your Committees received testimony in support of this concurrent resolution from the Department of Transportation (DOT).

Section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution before DOT may lease submerged and tidal lands.

Your Committees find that DOT proposes to dispose of, by lease, approximately 110,000 square feet of submerged land and 281,300 square feet of tidal land for a shipyard and marine-related facility at Pier 41, Honolulu Harbor.

Your Committees on Ocean and Marine Resources and Water and Land Use and Transportation concur with the intent and purpose of S.C.R. No. 187 and recommend its adoption.

Signed by all members of the Committees.

**SCRep. 1769 Ocean and Marine Resources; Water and Land Use; and Transportation on S.C.R. No. 189**

The purpose of this concurrent resolution is to authorize the Department of Transportation and/or the Department of Land and Natural Resources to dispose of, by lease, certain submerged and tidal lands for the purpose of a cable ship terminal and storage facility.

Your Committees received testimony in support of this concurrent resolution from the Department of Transportation (DOT).

Section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution before DOT and/or the Department of Land and Natural Resources (DLNR) may lease submerged and tidal lands.

Your Committees find that DOT and/or DLNR proposes to dispose of, by lease, approximately 97,000 square feet of submerged and tidal lands for a cable ship terminal and storage facility at Sand Island, Honolulu, Hawaii.

Your Committees on Ocean and Marine Resources and Water and Land Use and Transportation concur with the intent and purpose of S.C.R. No. 189 and recommend its adoption.

Signed by all members of the Committees except Representatives Hashimoto, Hirono and Takamine.

**SCRep. 1770 Intergovernmental Relations and International Affairs and Economic Development and**

The purpose of this resolution is to express the State's support for legislation establishing disclosure requirements on the federal level for foreign investment, such as the Bryant Bill, H.R. 5.

The lack of accurate, timely information on the scope and composition of foreign investment in Hawaii has recently led to misperceptions on the part of both the general public and public officials. A comprehensive system for accessing and assimilating foreign investment information is needed to ensure that the public as well as decision-makers make decisions on the basis of sound information.

Your Committees find that the most effective disclosure system would involve legislation and enforcement on the federal level.

The Department of Business and Economic Development submitted testimony in support of this measure.

Your Committees on Intergovernmental Relations and International Affairs and Economic Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 235 and recommend its adoption.

Signed by all members of the Committees except Representative Horita.

**SCRep. 1771 Intergovernmental Relations and International Affairs and Human Services on H.R. No. 163**

The purpose of this resolution is to urge the United States Congress and the United States Department of State to provide aid to homeless children in the Philippines.

Your Committees find that there is extensive poverty and homelessness among young children in the Philippines, particularly in the cities of Subic Bay and Manila. As a result of their unstable and insecure lifestyle, many are malnourished and uneducated. Even more importantly, they are not instilled with fundamental values and self-esteem which many of us take for granted.

Testimony in support of this measure was submitted by representatives of the Philippine Women and Children Project, Child and Family Service, and the Catholic Diocese of Honolulu.

Your Committees have made several amendments to the measure. All references to "homeless" children were changed to "street" children. Data and references to the Philippine Ministry of Social Services and Development that were not current or verifiable were deleted. Finally, another "BE IT FURTHER RESOLVED" clause was added to indicate that financial aid should be awarded to non-government organizations which have a record of integrity and credibility, in order to ensure that the funds are properly distributed.

Your Committees on Intergovernmental Relations and International Affairs and Human Services concur with the intent and purpose of H.R. No. 163, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 163, H.D. 1.

Signed by all members of the Committees except Representatives Duldulao, Peters, Anderson and Cavasso.

**SCRep. 1772 Intergovernmental Relations and International Affairs and Human Services on S.C.R. No. 258**

The purpose of this concurrent resolution is to encourage the various counties to establish afterschool childcare programs which incorporate safety, homework assistance, behavior management, and academic skills.

Child care is one of the most important issues facing the public today, as the economy relies on the extra workers provided by the dual income family, while those families are torn between the economic necessity of having two incomes and the deeply felt need to assure adequate care for their children. Therefore, Your Committees are in strong support of this concurrent resolution.

Your Committee received favorable testimony from Lynn N. Fallin, Director, Office of Children and Youth.

Your Committees on Intergovernmental Relations and International Affairs and Human Services concur with the intent and purpose of S.C.R. No. 258, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Duldulao, Peters and Cavasso.

**SCRep. 1773 Intergovernmental Relations and International Affairs on H.R. No. 395**

The purpose of this resolution is to recognize the contribution of the Canada-France-Hawaii Telescope, the United Kingdom Infrared Telescope, and the NASA Infrared Telescope in making Hawaii the center of world astronomy, and to support the further expansion of astronomical activities in Hawaii.

Humans have always dreamed of what lies beyond the skies above them. In the last few decades we have finally begun to explore the worlds beyond our world, and it is likely that the level of space-related activities will continue to increase at a rapid pace. The scientists and engineers who have made Hawaii the world center of astronomical activities have given us the gift of exploring our dreams. This resolution expresses the Legislature's commitment to supporting the continuation and expansion of these activities. Hawaii intends to be a world leader in space-related activities, because these activities

offer more than economic benefits. The quality of life of a people is not determined as much by the material goods they command as by the opportunities they have to achieve their dreams. Astronomy, and other space-related activities, offer a path to some of our greatest dreams.

The University of Hawaii Institute for Astronomy testified in support of this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 395 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1774 Intergovernmental Relations and International Affairs on H.R. No. 406**

The purpose of this resolution is to recognize the significance and importance of the Statue of Freedom as a symbol of world peace and freedom, and to urge the restoration and public display of the plaster model of the Statue.

The Statue of Freedom sits atop the Capitol Building in Washington, D.C. It symbolizes "Freedom Triumphant in War and Peace", one of the guiding principles of our country. A plaster model was made of the statue and placed in the Smithsonian Institution in 1890. The model was put into storage in 1967, where it remains. Congress has authorized the Architect of the Capitol to accept donations to finance the restoration and relocation of the Statue in a public location.

Your Committee notes that Hawaii has established as state "symbol" of peace and freedom in its statutory recognition of the "Aloha Spirit".

Representatives of the Freedom of the Cosmos Project testified in support of this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 406 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1775 Intergovernmental Relations and International Affairs on H.R. No. 405**

The purpose of this resolution is to request the Department of the Interior to conduct its own investigation of the recovery of homestead land at Lualualei and Keaukaha.

Your Committee finds that the Department of Hawaiian Home Lands has tried and failed to recover certain lands which have been set aside for homesteading by executive order. These lands, particularly those at Lualualei, are currently utilized by the U.S. Navy as an ammunition depot and the Department of Hawaiian Home Lands faces technical and jurisdictional difficulties in trying to recover these lands.

The Department of Hawaiian Home Lands testified in support of this measure.

Your Committee has amended this resolution in light of recommendations from the Department of Hawaiian Home Lands by deleting certain WHEREAS clauses which were irrelevant or inaccurate.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 405, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 405, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1776 Intergovernmental Relations and International Affairs on H.R. No. 388**

The purpose of this resolution is to request Congress to cease implementation of the Medicare Catastrophic Expansion Act of 1988 and study its provisions further before resuming the implementation of the Act.

The Medicare Catastrophic Expansion Act was intended to expand the coverage of Medicare to address the most serious need of older people, providing support for those suffering long-term, financially "catastrophic" illnesses. However, the most catastrophic financial concern for most older people, the prospect of paying for long-term nursing home care, was not addressed in the Act. Moreover, the Act requires that the cost of the expanded coverage does provide be born entirely by Medicare members, who are retired people over age 65. The new charges include a fixed annual premium of \$48 per person, and a "means tested" annual premium that varies from \$22.50 to \$800 per person, depending on the person's income.

The Hawaii Chapter of the National Association of Retired Federal Employees testified in support of this resolution.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 388 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1777 Intergovernmental Relations and International Affairs on H.R. No. 101**

The purpose of this resolution is to request the United States Department of Defense to consider relocating their bases in Okinawa to other areas.

The Prefectural Government of Okinawa, on two occasions, has requested the Department of Defense to return certain lands currently utilized by the United States military. While some of these requests were acknowledged, there are still other lands which, if returned, might be better utilized to promote the Okinawan economy.

Your Committee finds that this resolution, as received, may be misinterpreted as requesting the United States Department of Defense to relocate needed bases. It is the intent of your Committee that the Department of Defense be requested to evaluate whether or not the current level of facilities is actually needed for military purposes, and to request the return of unneeded lands for use by the Okinawan government.

Your Committee has amended the title and substance of this resolution to reflect your Committee's intent.

Testimony in support of this measure was submitted by the American Friends Service Committee, the World Council of Indigenous Peoples, and other members of the general public.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 101, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 101, H.D. 1.

Signed by all members of the Committee except Representative Horita.

**SCRep. 1778 Intergovernmental Relations and International Affairs on H.R. No. 234**

The purpose of this resolution is to request the counties to restructure their property tax system to provide relief to long-time homeowners as well as to discourage speculative investment in residential property.

Speculative real estate purchases by foreigners have led to an increase in real property tax and the current real property tax system exacerbates the problem by penalizing homeowners who are stable, long-term residents in a neighborhood and who have no wish to move. Especially burdened are such homeowners who have fixed or limited household incomes.

Your Committee therefore finds that restructuring of real property tax is necessary in order to correct the imbalance created by the present system, and that this concurrent resolution expresses the Legislature's concern over this issue.

The City and County of Honolulu submitted testimony in support of this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 234 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1779 Intergovernmental Relations and International Affairs on S.C.R. No. 37**

The purpose of this resolution is to request a nuclear weapons test ban.

This resolution reflects an increasing outcry among nations urging the United States to respond immediately to the Soviet Union's offer of a mutual and verifiable suspension of nuclear weapons testing.

As Hawaii is the nation's showcase of a successful multi-ethnic state, it is very fitting that this body urge the President of the United States to take this step towards peaceful coexistence in the world.

Your Committee has amended the resolution to replace substantive language which had been deleted in the Senate version. Your Committee finds that with this added language, this resolution more clearly reflects the State's strong support of a nuclear test ban. The added language also provides a clear rationale for the State's position.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of S.C.R. No. 37, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 37, S.D. 1, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1780 Intergovernmental Relations and International Affairs on S.C.R. No. 151**

The purpose of this concurrent resolution is to urge the federal government to fund and authorize independent federal regulatory agencies and department authorized for costs incurred for participation in federal regulatory proceedings.

Hawaii's participation in federal regulatory proceedings has taken place at a great financial cost to the State. Your Committee recognizes that federal regulatory actions will increase, and that it is in Hawaii's best interest to represent and protect our activities.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of S.C.R. No. 151, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1781 Intergovernmental Relations and International Affairs on S.C.R. No. 274**

The purpose of this concurrent resolution is to request that the Department of Budget and Finance explore opportunities to integrate the state information network with federal information services to provide better service to Hawaii's residents.

Your Committee finds that such an integration of information services will facilitate the development of an information industry, and the promotion of public access to information.

Your Committee heard testimony by the Department of Budget and Finance in support of this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of S.C.R. No. 274, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1782 Intergovernmental Relations and International Affairs on S.C.R. No. 248**

The purpose of this concurrent resolution is to request the Association of Pacific Island Legislatures to admit Hawaii as a member.

After due consideration, your Committee finds that admittance to the Pacific Island Legislature would benefit the State. Strengthening ties with our Pacific neighbors would foster an exchange of ideas and expertise. In addition, Hawaii is unique in that it is a geographic and cultural bridge between the Pacific Islands and the United States. Promoting Hawaii's relationship with other Pacific nations and territories will enhance this unique position.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of S.C.R. No. 248 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1783 Intergovernmental Relations and International Affairs on S.C.R. No. 252**

The purpose of this concurrent resolution is to request the Governor to designate Suge Ryotaro as an honorary citizen of the State of Hawaii.

Your Committee finds that Mr. Sugi Ryotaro has consistently and generously contributed to several charitable causes in Hawaii. In addition, he has established a perpetual trust for the benefit of charitable causes throughout the world and has designated Hawaii as a beneficiary of that trust. His many actions of humanity, generosity, and goodwill toward the people of Hawaii justify the designation of Sugi Ryotaro as an honorary citizen of the State.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of S.C.R. No. 252, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1784 Intergovernmental Relations and International Affairs on S.C.R. No. 204**

The purpose of this concurrent resolution is to request the Governor to initiate discussions relating to the establishment of a sister-state province relationship between the State of Hawaii and the Province of Taiwan.

Your Committee finds that this proposed sister-state/province relationship will expand and enhance our future role as a Pacific center of international trade and mediation.

Your Committee received testimony on this measure from a representative of the Republic of China on Taiwan.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of S.C.R. No. 204, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1785 Intergovernmental Relations and International Affairs on S.C.R. No. 5**

The purpose of this concurrent resolution is to request that President George Bush approve the expenditure of \$500 million per year allocated in reparations to the loyal citizens of Japanese ancestry detained by the United States government during World War II.

Congress authorized reparations payments of \$20,000 to each detainee, a total of \$1.25 billion for these reparations, with no more than \$500 million to be spent in one fiscal year. The current authorized allocation for 1990, however, is only \$20 million, which will delay full payment for decades.

Your Committee feels that because most of the detainees are in their 80's and 90's, it is urgent that reparations payment take place as soon as possible.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of S.C.R. No. 5 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1786 Intergovernmental Relations and International Affairs on S.C.R. No. 112**

The purpose of this concurrent resolution is to request the United States Congress to urge the Census Bureau to obtain up-to-date information on the Pacific Islands.

Your Committee finds that accurate census information is necessary for the United States to fulfill its obligations to promote public health and prevent disease among the populations of the United States Affiliated Pacific Islands.

Your Committee received favorable testimony relating to this issue from John C. Lewin, M.D., Director, Department of Health.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of S.C.R. No. 112 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1787 Water and Land Use on S.C.R. No. 101 (Majority)**

The purpose of this concurrent resolution is to present to the Legislature for review and concurrence, the action of the Board of Land and Natural Resources, regarding the exchange of a partial interest in State land, for land from and construction of a State office building by the Hemmeter Investment Company.

The Department of Land and Natural Resources is required to submit a resolution for review of the exchange action taken by the Board of Land and Natural Resources.

Pursuant to Act 216, Item K-18, Session laws of Hawaii 1987, the State has acted to acquire office space to house offices of certain State agencies whose offices must be temporarily vacated to allow for asbestos removal, and subsequently to house the State's projected demand for additional office space. The State, through the Board of Land and Natural Resources, has entered into a Land and Building Purchase Agreement, dated April 11, 1988 with Hemmeter Investment company, setting forth the terms and conditions of the partial land exchange pursuant to which the State acquired the "Galen Parcel" situated within the Hawaii Capital District in downtown Honolulu identified as Tax Map Key no. 2-1-17:19, together with an office building to be constructed thereon, in consideration of the payment by the State of \$26,000,000 and the demise of a lease of 150 to 225 State parking stalls for a term of 65 years.

Your Committee on Water and Land Use concurs with the intent and purpose of S.C.R. No. 101 and recommends its adoption.

Signed by all members of the Committee except Representative Hashimoto.  
(Representatives Hiraki, Isbell and O'Kieffe did not concur.)

**SCRep. 1788 Water and Land Use on S.C.R. No. 169**

The purpose of this concurrent resolution is to request the Office of State Planning to submit a status report to the Legislature on the Honolulu Waterfront Final Master Plan, including an analysis and evaluation of the traffic implications for the development area, no later than August 1, 1989.

Your Committee received testimony from the Office of State Planning in support of this concurrent resolution. Testimony indicated that in line with this concurrent resolution, the Office of State Planning will also prepare an addendum to the Final Plan for submittal to the Legislature, which will summarize any changes that might have been incorporated into the Final Plan, along with the attendant rationale. An analysis of key issues and concerns, including anticipated traffic implications, will also be included in the report as requested.

Your Committee on Water and Land Use concurs with the intent and purpose of S.C.R. No. 169, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Hashimoto.

**SCRep. 1789 Water and Land Use on S.C.R. No. 180**



The purpose of this concurrent resolution is to resolve an on-going dispute over rights and future use of a tract of land in Honolulu known as Kalawahine by requesting the Attorney General to determine the legal status and rights of the individuals and families currently residing on these lands.

This dispute involves the rights of four families who claim to be direct descendants of those who were originally granted land rights by Congress in 1934 to use these Hawaiian Homes Commission lands. In 1952, Congress provided that the families on the Kalawahine land who had been granted the right to the leases in 1934, would be resettled on newly acquired lands or other similar lands under the control of the Hawaiian Homes Commission. Accordingly, a land exchange transferred ownership of the Kalawahine lands to the Territory of Hawaii. However, these expectations were never fully realized. This concurrent resolution would, therefore, provide the information to resolve this issue.

Your Committee received testimony in support of this concurrent resolution from the Department of Land and Natural Resources and the Department of Hawaiian Home Lands.

Your Committee on Water and Land Use concurs with the intent and purpose of S.C.R. No. 180, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Hashimoto.

**SCRep. 1790      Water and Land Use on H.R. No. 247**

The purpose of this resolution is to request the Department of Taxation to report to the Legislature on: (1) the types of tax incentives which may be given to owners of private watershed lands in return for their commitment to set aside or otherwise manage these lands for the public good; and (2) the estimated impact upon state revenues of each type of incentive.

Your Committee received testimony from the Department of Land and Natural Resources in support of this resolution. Your Committee also received testimony from the Oahu representative of the Conservation Committee of the Hawaii Forest Industry Association in support of the intent of this resolution.

The Hawaii representative of the Natural Resources Defense Council, Inc. submitted testimony recommending a substantive amendment and several language changes to this resolution.

Your Committee has adopted the recommendations of the Hawaii representative of the Natural Resources Defense Council, Inc. by making the following amendments to this resolution:

- (1) Adding as another item to be reported upon the question of "What existing property tax policies may contribute to the degrading or destruction of watersheds" in the BE IT RESOLVED clause;
- (2) Deleting "has" and inserting "appears to have" in the third WHEREAS clause; and
- (3) Deleting "preventing" and inserting "slowing down and filtering" in the fourth WHEREAS clause.

Your Committee has also made technical, nonsubstantive amendments to the resolution for the purposes of style and clarity.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 247, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 247, H.D. 1.

Signed by all members of the Committee except Representative Hashimoto.

**SCRep. 1791      Water and Land Use and Intergovernmental Relations and International Affairs on H.R. No. 246**

The purpose of this resolution is to request the council of each county to report to the Legislature on: (1) any proposed real property tax incentive to be given to owners of private watershed lands in return for their commitment to set aside or otherwise properly manage these lands and protect them from plant and animal pests; and (2) the estimated impact upon county revenues of each type of incentive.

Your Committees received testimony from the Department of Land and Natural Resources and the Oahu representative and head of the Conservation Committee of the Hawaii Forest Industry Association in support of this resolution.

The Hawaii representative of the Natural Resources Defense Council, Inc. submitted testimony recommending a substantive amendment and several language changes to this resolution.

Your Committees have adopted the recommendations of the Hawaii representative of the Natural Resources Defense Council, Inc. by making the following amendments to this resolution:

- (1) Adding as another item to be reported upon the question of "What existing property tax policies may contribute to the degrading or destruction of watersheds" in the BE IT RESOLVED clause;
- (2) Deleting "has" and inserting "appears to have" in the third WHEREAS clause; and
- (3) Deleting "preventing" and inserting "slowing down and filtering" in the fourth WHEREAS clause.

Your Committees have also made technical, nonsubstantive amendments to the resolution for the purposes of style and clarity.

Your Committees on Water and Land Use and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 246, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 246, H.D. 1.

Signed by all members of the Committees except Representatives Hashimoto, Hirono and Souki.

**SCRep. 1792 Water and Land Use and Economic Development and Hawaiian Affairs on H.R. No. 284**

The purpose of this resolution is to urge the Director of the Department of Land and Natural Resources to initiate a program of negotiations or talks with private property owners, and that these negotiations encompass the issue of reasonable public access.

Your Committees find that there are a minimum of 210 privately owned heiaus in Hawaii. Such sites are protected for historical preservation purposes and provide a unique privilege and opportunity to appreciate the sensitivity and complexity of Hawaiian culture.

Your Committees recognize that the question of public access to privately owned heiaus is complex, and for any meaningful and productive results to transpire from the negotiations, the following issues and concerns need to be addressed: the private property owner's liability; the maintenance and protection of the property site; the question of how a site is to be managed and interpreted; and the responsibility of funding such efforts.

Your Committees on Water and Land Use and Economic Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 284 and recommend its adoption.

Signed by all members of the Committee except Representative Hashimoto.

**SCRep. 1793 Water and Land Use and Economic Development and Hawaiian Affairs on S.C.R. No. 203**

The purpose of this concurrent resolution is to request the Department of Business and Economic Development to examine the feasibility of developing and establishing a film production center and entertainment park in the Kakaako community development district.

Your Committees received testimony on this concurrent resolution from the Department of Business and Economic Development, the Hawaii Community Development Authority, the Diamond Head Association, The Outdoor Circle, CineWorld Enterprises Corporation, and the Art Advisory Committee of Kapiolani Community College.

Upon further consideration, your Committees have amended this concurrent resolution as follows:

- (1) Deleting references to the Kakaako community development district in line 6 of the BE IT RESOLVED clause;
- (2) Inserting a BE IT FURTHER RESOLVED clause directing the Department to consider different incentive packages to attract the private sector in collaborating with the State in developing a film production center and entertainment park;
- (3) Inserting a second BE IT FURTHER RESOLVED clause directing the Department to work closely with the private sector in developing these incentive packages; and
- (4) Deleting a BE IT FURTHER RESOLVED clause that directed the Department to improve the basic facilities at the temporary Diamond Head site during the interim.

Your Committees on Water and Land Use and Economic Development and Hawaiian Affairs concur with the intent and purpose of S.C.R. No. 203, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 203, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representative Hashimoto.

**SCRep. 1794 Water and Land Use and Tourism on S.C.R. No. 168**

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to provide a status report on the proposed transfer of Sand Island Park acreage from the State to the City and County of Honolulu. This proposal is part of the Honolulu Waterfront Master Plan under which the City's 17.6-acre vehicle and baseyard operations located on the Kakaako Peninsula as well as other inner-city baseyard operations would be consolidated on a 26-acre parcel on the makai side of Sand Island Access Road.

Your Committees received testimony in support of this concurrent resolution from the Department of Land and Natural Resources, the Department of Transportation, and the Office of State Planning. Based on the recommendation of the Department of Land and Natural Resources, your Committees have amended this concurrent resolution by deleting references to "park" when relating to Sand Island Park lands inasmuch as no park lands is to be transferred to the City under this arrangement. These deletions occur in the title, on line 2 of the fifth WHEREAS clause, and on line 5 of the

BE IT RESOLVED clause. Your Committees have also made a technical, non-substantive amendment on line 3 of the fifth WHEREAS clause for purposes of style and clarity.

Your Committees on Water and Land Use and Tourism concur with the intent and purpose of S.C.R. No. 168, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 168, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representatives Hashimoto, Hirono and Souki.

**SCRep. 1795 Water and Land Use and Judiciary on S.C.R. No. 239**

The purpose of this concurrent resolution is to enable the Legislature to make appropriate decisions relating to oversight and funding of the Statewide Trail and Access System by requesting information on certain legal issues. Section 198D-7, Hawaii Revised Statutes, requires the Department of Land and Natural Resources, in consultation with the Attorney General, to examine several legal issues relating to trails and accesses, including:

- (1) The extent of liability exposure of the State, counties, and private landowners when allowing trails and accesses under their respective jurisdictions to be used by the general public; and
- (2) Strategies to reduce or limit the liability exposure of the State, counties, and private landowners in order to promote public use of trails and accesses under their respective jurisdictions which are closed to the general public.

Because there is no requirement that the two agencies report the results of their examination to the Legislature, the purpose of this concurrent resolution is to request such information.

Based on the testimony submitted by the Department of Land and Natural Resources, the Attorney General, and Kamehameha Schools/Bernice Pauahi Bishop Estate in support of this concurrent resolution, your Committees find that arrangements have been made by the Department of Land and Natural Resources to initiate a contract with the Attorney General before the end of this fiscal year to undertake this research of liability laws.

Your Committees on Water and Land Use and Judiciary concur with the intent and purpose of S.C.R. No. 239 and recommend its adoption.

Signed by all members of the Committees except Representatives Hashimoto, Hirono and Shon.

**SCRep. 1796 Water and Land Use and Tourism on S.C.R. No. 241**

The purpose of this concurrent resolution is to request the Department of Transportation to provide the Legislature with an update on the development of the Keehi Lagoon Subarea in the Honolulu Waterfront Plan.

In 1988, the Legislature adopted H.C.R. No. 386, H.D. 1, S.D. 1, C.D. 1, which authorized the Board of Land and Natural Resources and the Department of Transportation to lease and to provide for the reclamation and development by a private developer of approximately 300 acres of submerged and tidal lands in Keehi Lagoon for recreational, educational, research, and commercial/light industrial purposes. These lands would be included in the Keehi Lagoon Subarea in the Honolulu Waterfront Plan.

The 1988 concurrent resolution further directed the Department of Transportation to continually apprise the Legislature of its activities with regard to the development of the Keehi Lagoon project at appropriate intervals. For this reason, this concurrent resolution requests an update immediately prior to the convening of the Regular Session of 1990.

Your Committees received oral testimony from the Department of Transportation in support of this concurrent resolution.

Your Committees on Water and Land Use and Tourism concur with the intent and purpose of S.C.R. No. 241 and recommend its adoption.

Signed by all members of the Committees except Representatives Hashimoto, Hirono, Souki and Tom.

**SCRep. 1797 Water and Land Use and Ocean and Marine Resources on S.C.R. No. 243**

The purpose of this concurrent resolution is to request the Office of State Planning to include a Marine Education and Training Center in the Waterfront Master Plan. This concurrent resolution also provides that the Office of State Planning consult with the Honolulu Community College and other appropriate University and industry resources in planning for the Marine Education and Training Center.

Your Committees received testimony from a representative of the University of Hawaii and from the Office of State Planning in support of this concurrent resolution. Testimony indicated that the Office of State Planning, pursuant to this concurrent resolution, will initiate further discussions with the University of Hawaii and the Honolulu Community College to ensure that all marine education and training programs that require or could significantly benefit from a waterfront location are appropriately considered in the process of finalizing the Plan.

Your Committees on Water and Land Use and Ocean and Marine Resources concur with the intent and purpose of S.C.R. No. 243, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representative Hashimoto.

**SCRep. 1798      Water and Land Use and Intergovernmental Relations and International Affairs on S.C.R. No. 100**

The purpose of this concurrent resolution is to help meet the future needs of the Honolulu Harbor port facilities by requesting Hawaii's Congressional delegation to assist the State in the acquisition of the Kapalama Military Reservation. Specifically, Hawaii's Congressional delegation is requested to:

- (1) Introduce an amendment to Public Law 100-180, §2332, Subsection (e), to give the State priority in negotiating the acquisition of certain lands at the Kapalama Military Reservation from the U.S. Army; and
- (2) Convince the Secretary of Defense to temporarily suspend the U.S. Army's efforts to sell approximately 44 acres of land pending consideration of the proposed amendment by Congress.

Because Public Law 100-180, §2332 requires the sale of Kapalama Military Reservation at public auction, your Committees find that the State would be unable to successfully compete with the private sector in the purchase of that property. Accordingly, it is essential that an exemption be made to this law since the State's purchase of the Kapalama Military Reservation lands is crucial to the people of Hawaii.

Your Committees received testimony in support of this concurrent resolution from the Department of Land and Natural Resources, the Department of Transportation, and the Office of State Planning. Although your Committees support the intent of this concurrent resolution, your Committees, nevertheless, must question the appropriateness of the federal government to proceed with the disposition of public property to the highest bidder when another public entity has clearly expressed a strong need for that property. Moreover, given the past generosity of the Territory of Hawaii and, more recently, the State in providing extensive amounts of lands to the federal government at little or no cost, it seems inconsistent that the State must be forced to use public funds to bid for these public lands in the same manner as someone from the private sector.

Your Committees on Water and Land Use and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 100 and recommend its adoption.

Signed by all members of the Committees except Representatives Hashimoto, Hirono, Souki, Takamine, Anderson and Marumoto.

**SCRep. 1799      Education and Transportation on H.R. No. 172**

The purpose of this resolution is to request the Department of Education to work with private school bus companies and the Department of Transportation to resolve problems regarding the transportation of school bands and other student groups for co-curricular activities.

The Department of Education (DOE), the Department of Transportation (DOT), the Hawaii State Teachers Association, the Principal of Pearl City High School, the Oahu Band Directors' Association, two band students at Pearl City High School, and the Save Money and Ride Together organization submitted testimony in support of this resolution.

Your Committees find that rules established by the Department of Transportation require school buses to be used, when needed, to transport students for school functions. Those rules include standards for construction not met by tour buses, thereby precluding the use of tour buses.

The Oahu Band Directors' Association testified that these rules may not be appropriate, especially in transporting school bands, since most school buses encounter difficulties in accommodating the instruments and equipment which a band must transport. Often, seats and aisles must be used for storage. Tour buses, however, with their large luggage compartments, can easily accommodate these instruments and equipment. Only one school bus company operates buses with storage compartments, but these buses are often unavailable when needed.

According to the Oahu Band Directors' Association, another problem posed by school buses in transporting school bands is that, since buses usually travel in a caravan, unhealthy and nearly unbearable exhaust must be inhaled by those travelling in buses trailing the lead bus. Unlike school buses, since tour buses are air conditioned, bus exhaust is not a problem. Additionally, because of air conditioning, windows in tour buses can be closed at all times as a precautionary measure against rock throwing which has been a problem in recent years.

According to the Department of Transportation (DOT), it has adopted federal standards for school buses. The DOT emphasized that those standards have been developed with much research and consideration. However, the DOT conceded that the adoption of those standards is not required by law and not necessary for the State to receive federal funding.

Your Committees find that Hawaii is faced with unique conditions, and that standards developed for consideration by jurisdictions across the nation may not be entirely applicable in this State. As the agencies jointly responsible for school transportation, the DOE and DOT should work together to develop rules which address Hawaii's unique needs.

Your Committees amended the resolution as follows:

- (1) Designated the Department of Transportation, rather than the Department of Education, as the lead agency in the effort to resolve problems regarding school transportation for co-curricular activities;

- (2) Specified that this effort include the following: (1) a review of policies, rules, and standards which apply to school transportation; and (2) effecting the necessary changes to resolve the problem of transporting school bands and other student groups for co-curricular activities;
- (3) Substituted a progress report for a report of findings and recommendations which is to be made to the Legislature; and
- (4) Specified that the report is to be made by the Director of Transportation rather than the Superintendent of Education.

In addition, technical, nonsubstantive amendments have been made for purposes of style and clarity.

Your Committees on Education and Transportation concur with the intent and purpose of H.R. No. 172, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 172, H.D. 1.

Signed by all members of the Committees except Representatives Apo, D. Ige, Souki, Takamine, Taniguchi, Yoshimura, Anderson and Marumoto.

**SCRep. 1800            Education on H.R. No. 398**

The purpose of this bill is to request the Department of Education to provide a report on the policy of "no pass/no play".

The Department of Education testified that a report on the impact of its policy on academic requirements for participation in co-curricular activities, more commonly referred to as the "no pass/no play" policy, would be submitted to the Regular Session of 1990, and that this resolution is not necessary.

Your Committee received testimony from principals, athletic directors and others in support of this measure.

This resolution has been amended to request the Department of Education to report on both the positive and negative aspects of its experience with the "no pass/no play" policy, including, but not limited to, efforts to provide remedial instruction to students who become ineligible for participation in co-curricular activities. Your Committee has also made technical, nonsubstantive amendments for the purpose of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.R. No. 398, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 398, H.D. 1.

Signed by all members of the Committee except Representative Hashimoto.

**SCRep. 1801            Education on H.R. No. 380**

The purpose of this resolution is to urge the Governor of the State of Hawaii to proclaim May 7 through May 13, 1989, and the second week of every subsequent year as Teacher Appreciation Week in Hawaii.

Your Committee finds that this would provide an opportunity to show the teachers of the State how much their efforts are appreciated. This week would be a time for the recognition of the contributions of public school teachers to the development of their communities and their influence on the lives of the people of this State.

Testimony from the Hawaii State Teachers Association and the Department of Education was received in support of this resolution.

Your Committee on Education concurs with the intent and purpose of H.R. No. 380 and recommends its adoption.

Signed by all members of the Committee except Representative Hashimoto.

**SCRep. 1802            Education on H.R. No. 271**

The purpose of this resolution is to urge the Board of Education to consider a shift in school disciplinary policy to emphasize in-school suspension. The resolution also requests the Board of Education to study the appropriateness of implementing a statewide in-school suspension program.

Upon further consideration, your Committee has amended the resolution as follows:

- (1) Required that the study include an investigation of the different kinds of discipline used in the schools; and
- (2) Required that the study include a comparison of in-school suspension and out-of-school suspension; and
- (3) Amended the title of the resolution to reflect the amendments previously described.

Technical, nonsubstantive amendments have been made for purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.R. No. 271, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 271, H.D. 1.

Signed by all members of the Committee except Representative Apo, Hashimoto, Hirayama and Stegmaier.

**SCRep. 1803            Education on H.R. No. 366**

The purpose of this resolution is to request the Department of Education to conduct a study to:

- (1) Thoroughly review and evaluate all facets of the comprehensive school alienation program (CSAP);
- (2) Examine the effectiveness of services of all program elements; and
- (3) Make recommendations to increase the program's overall program and cost-effectiveness.

This study should also compare the effectiveness of services provided to alienated students before being referred to the CSAP with services these students receive after entering the CSAP.

Your Committee finds that educational options must be made available to meet the needs of all students who learn in different styles and at varying rates. The CSAP was intended to provide guidance, tutorial, and academic services to disruptive students alienated from the school system.

The Department of Education conducted an evaluation of the CSAP in 1984 and reported favorable findings. However, it has been five years since an evaluation has been carried out, and the problems addressed by the CSAP have continued. Recently, the Department of Education has begun to implement the concept of a comprehensive school for alienated students providing a wide array of services. While the intent of this new approach may be laudable, it has yet to prove itself. Therefore, your Committee finds there is an immediate need to conduct another evaluation of the CSAP.

Your Committee on Education concurs with the intent and purpose of H.R. No. 366 and recommends its adoption.

Signed by all members of the Committee except Representatives Apo, Hashimoto, Hirayama and Stegmaier.

**SCRep. 1804            Education on H.R. No. 389**

The purpose of this resolution is to request the Hawaii Business Roundtable to consider asking its member employers to provide workers the opportunity to participate in school/community-based management during normal working hours. The resolution also requests the Hawaii Business Roundtable to develop an implementation plan which considers a tax credit system to compensate employers for time devoted to school/community-based management.

The Department of Education submitted testimony in support of this resolution. While indicating that this resolution could be a positive initiative in encouraging parents to become involved in the schools, the Department of Education noted that the membership of the Hawaii Business Roundtable is limited, and that other businesses, as well as government, should be involved.

In consideration of this and other concerns, your Committee amended the resolution as follows:

- (1) Requested that, in addition to the Hawaii Business Roundtable, the Chamber of Commerce of Hawaii, the Hawaii Chapter of the National Federation of Independent Businesses, Small Business Hawaii, and the Statewide Human Services Action Council consider asking its member employers to provide workers the opportunity to participate in school/community-based management during normal working hours;
- (2) Requested the State and its various counties to allow it workers to participate in school/community-based management;
- (3) Requested the Education Committee of the Chamber of Commerce of Hawaii, rather than the Hawaii Business Roundtable, to develop the implementation plan called for in the resolution;
- (4) Required certified copies of the resolution to be transmitted to the Governor, Senate President, Speaker of the State House, Chief Justice of the Hawaii Supreme Court, the mayors of the City and County of Honolulu and the counties of Hawaii, Maui, and Kauai, the President of the Chamber of Commerce of Hawaii, the Chairperson of the Education Committee of the Chamber of Commerce of Hawaii, the Executive Director of the Hawaii Chapter of the National Federation of Independent Business, the Executive Director of Small Business Hawaii, and the Executive Director of the Statewide Human Services Action Council; and
- (4) Amended the title of the resolution to reflect the amendments previously described.

Technical, nonsubstantive amendments have also been made for purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.R. No. 389, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 389, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Hashimoto, Hirayama and Stegmaier.

**SCRep. 1805 Education on H.R. No. 401**

The purpose of this resolution is to request that the Department of Education (Department) conduct a study of volunteer activities by public high school students, including but not limited to, an update of current activities, recommendations for expansion of volunteer activities, a plan for training high school students in the various tasks which need to be accomplished, and a plan for recognizing volunteers.

The Department of Education testified in support of the intent of this resolution, but stated that adoption of this measure is not needed because the Department already has plans to review volunteer community service activities within the student activities program and will share the results with the Legislature next year. The Governor's Office of Children and Youth testified in favor of this resolution.

Your Committee has amended this resolution to delete the request that the Department provide lists derived from the volunteer needs of all State departments, and has instead requested the Governor's Office of Children and Youth and the Department of Human Services to provide those lists.

Your Committee on Education concurs with the intent and purpose of H.R. No. 401, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 401, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Hashimoto, Hirayama and Stegmaier.

**SCRep. 1806 Education on H.R. No. 404**

The purpose of this resolution is to request that the Department of Education study the collective bargaining unit 6 contract and Department of Education rules to develop alternatives which could enhance the school-based management system.

The Department of Education testified against adoption of this resolution and indicated that everything possible is being done, with broad based community support, to implement its school-based management system.

Your Committee finds that the selection process for principals has frequently been criticized by school personnel, parents, and other members of the school community. We believe that a study may reveal viable alternatives to the existing selection process.

This measure has been amended to emphasize the participation of parents, teachers, students and support staff in the selection process, and to change the term, "school-based management" to "school-community based management" in both the title and the body of this resolution.

Your Committee on Education concurs with the intent and purpose of H.R. No. 404, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 404, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Arakaki, Hashimoto, Hirayama and Stegmaier.

**SCRep. 1807 Education on H.R. No. 402**

The purpose of this resolution is to request that the Department of Education study the feasibility of restructuring the school district advisory councils, from one council per school district to one council per high school complex, and changing the manner in which council members are elected.

The Department of Education testified in favor of this resolution and suggested an amendment regarding options in the selection of council members and the role of each council, including the duties expressed in Section 296-7, Hawaii Revised Statutes.

Your Committee finds that the study requested in this measure should include a comprehensive review of the purpose and structure of school advisory councils. We believe that school advisory councils could be more effective if they were restructured in such a way as to make them more responsive to the staff, the students, and the parents at the local schools. The title and the body of this resolution have been amended accordingly.

Your Committee on Education concurs with the intent and purpose of H.R. No. 402, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 402, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Arakaki, Hashimoto, Hirayama and Stegmaier.

**SCRep. 1808 Ocean and Marine Resources on S.C.R. No. 242**

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to report on the ecological and environmental impact of certain activities in marine conservation areas.

Your Committee received testimony in support of this concurrent resolution from the Department of Land and Natural Resources.

Your Committee finds that it is in the public interest to regulate or prohibit activities which are inimical to the well-being of our precious marine conservation areas and resources.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of S.C.R. No. 242 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1809      Ocean and Marine Resources and Higher Education and the Arts on S.C.R. No. 125**

The purpose of this concurrent resolution is to endorse the concept of a National Ocean Resources Laboratory and to request the Pacific International Center for High Technology Research to develop a plan and proposal for establishment of the laboratory in Hawaii.

Your Committees received testimony in support of this concurrent resolution from the Department of Business and Economic Development, the Department of Land and Natural Resources, and The Pacific International Center for High Technology Research.

Your Committees find that the establishment of a national laboratory in Hawaii would have numerous benefits for Hawaii, the Pacific region, and the nation. It could catapult Hawaii into international leadership status for activities in ocean energy, sea ranching, strategic mineral development, and ocean science and technology.

Your Committees further find that it is necessary for the State of Hawaii to identify land and related infrastructure needed to establish a national ocean resources laboratory in Hawaii that would attract projects and funding from Federal and other sources.

Your Committees on Ocean and Marine Resources and Higher Education and the Arts concur with the intent and purpose of S.C.R. No. 125, S.D. 1, and recommend its adoption.

Signed by all members of the Committees.

**SCRep. 1810      Ocean and Marine Resources and Intergovernmental Relations and International Affairs on S.C.R. No. 113**

The purpose of this concurrent resolution is to urge a review and examination of the Presidential Twelve Mile Territorial Sea Proclamation's effects on domestic law and Federal/State rights and responsibilities and to urge the formation of a National Oceans Policy Commission.

Your Committees received testimony in support of this concurrent resolution from the Office of State Planning and the Department of Business and Economic Development.

On December 27, 1988, President Reagan signed Presidential Proclamation 5928 extending the United States territorial sea from three to twelve miles as measured from the baseline of the United States.

Your Committees find that without clear Congressional action implementing the territorial sea Proclamation, confusion, delay, expense, or even litigation most certainly will be the result.

Your Committees further find that as a matter of enlightened policy and inherent equity, Pacific states and Pacific island governments should be partners with the Federal government in the management of the enlarged territorial sea and adjacent maritime zones and should share in the revenue generated by activities in these waters.

Your Committees on Ocean and Marine Resources and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 113, S.D. 1, and recommend its adoption.

Signed by all members of the Committees.

**SCRep. 1811      Ocean and Marine Resources on S.C.R. No. 3**

The purpose of this concurrent resolution is to urge the Federal government to discourage the government of Japan from the disposing of radioactive waste in the Marianas Trench.

Your Committees find that in recent years, the cost of disposing low-level radioactive waste has increased, thereby providing an incentive for inappropriate disposal of the waste. The components of high level radioactive waste take over 10,000 years to decay to levels that are safe, and the containers that insulate radioactive waste from the environment for over 1,000 years have yet to be developed.

The United States has a vested interest in the protection of the ocean environment. The disposal of radioactive waste is an issue of international concern. Methods for land disposal of radioactive waste are being thoroughly researched and are in use in many areas of the world.

Your Committees further find that the government of Japan is proposing to dispose of radioactive waste in the Marianas Trench of the Western Pacific. Pacific island governments are located fewer than 200 miles from the Marianas Trench. The people of the State of Hawaii, other Pacific island governments, and the Northern Marianas Islands consider the



surrounding ocean to be sacred and the only resource for the economic development of the islands besides the fragile tourism industry.

Your Committees have corrected a technical drafting error by adding the phrase "United States" between "the" and "Senate" in the last clause.

Your Committees on Ocean and Marine Resources and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 3, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 3, H.D. 1.

Signed by all members of the Committees.

**SCRep. 1812            Housing on S.C.R. No. 144**

The purpose of this concurrent resolution is to request that the Housing Finance and Development Corporation set aside at least ten percent of all future single family housing developments that it sponsors for self-help construction programs whenever feasible, with preference to those programs that assist families earning below eighty percent of the median income.

Your Committee finds that given the current crisis in affordable housing, self-help housing is a practical and low-cost alternative for providing affordable homes. These homes can be built for far less than those currently being planned for master planned communities and meet appropriate standards. Testimony from participants of self-help housing programs showed that such programs help develop a sense of community pride and help raise individual self-esteem. The Housing Finance and Development Corporation testified that it is supportive of such programs and raised no objection to the adoption of this concurrent resolution.

Your Committee on Housing concurs with the intent and purpose of S.C.R. No. 144, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Metcalf and Peters.

**SCRep. 1813            Housing and Intergovernmental Relations and International Affairs on S.C.R. No. 193**

The purpose of this concurrent resolution is to express the opposition of the Legislature to the U.S. Department of Housing and Urban Development (HUD) ruling that whenever the federally determined prevailing wage for employees on public housing projects is lower than the prevailing state wage for the same work, the lower federal wage will be paid. This concurrent resolution urges HUD to reconsider the effect of this final ruling.

Your Committees received testimony in support of this concurrent resolution from the Department of Labor and Industrial Relations. At the present time, the Department of Labor and Industrial Relations is unable to enforce its higher prevailing wage rates on HUD-assisted projects.

Your Committees have amended this concurrent resolution by including in the list of those to whom the resolution will be transmitted the United States Department of Labor, Employment Standards Administration, Wage and Hour Division.

Your Committees on Housing and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 193, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 193, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representatives Metcalf, Peters, Souki and Yoshimura.

**SCRep. 1814            Tourism on S.C.R. No. 170**

The purpose of this concurrent resolution is to request the Department of Business and Economic Development to submit a status report on each of the Hawaii Visitors Bureau's field offices, including an analysis and evaluation of current, developing, and potential regional markets; fiscal expenditures; DBED's destination marketing programs; DBED and HVB policies relating to field office functions; personnel; and other relevant information.

Your Committee is in accord with the intent and purpose of S.C.R. No. 170, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1815            Tourism on S.C.R. No. 244**

The purpose of this concurrent resolution is to request the Department of Business and Economic Development to prepare an analysis of Hawaii's tourism base markets. The study shall include, but not be limited to, the market's precise delineations, the percentage of Hawaii's visitors arriving annually, expenditures and personnel activities, future projections and recommendations, and other information which is relevant to understand the implications and effectiveness of Hawaii's tourism base markets.

Your Committee on Tourism is in accord with the intent and purpose of S.C.R. No. 244, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1816 Consumer Protection and Commerce and Legislative Management on S.C.R. No. 73**

The purpose of this concurrent resolution is to request the Legislative Auditor to evaluate the Teacher Standards Board proposed by S.B. No. 896, S.D.1. The resolution requests that the Legislative Auditor submit a report of findings and recommendations to the Legislature prior to the Regular Session of 1990.

The Department of Education currently certifies public school teachers on the basis of education, experience, and qualifications. In connection with the revitalization of the State's public education system, however, it has been proposed that a Teacher Standards Board be established as a comprehensive credentialing body to certify public school teachers. The Board would be placed under the Department of Commerce and Consumer Affairs for administrative purposes. Its members would represent a broad spectrum of educational interests ranging from teaching to administration. The study proposed by this concurrent resolution would be carried out pursuant to Section 26H-6, Hawaii Revised Statutes.

Testimony in support of this resolution was presented by the Board of Education and the Hawaii State Teachers Association. It was emphasized that if teaching is to be professionalized, teachers must be allowed to set professional standards for themselves and the qualifications of individuals seeking entry into the profession must be verified.

Your Committees believe that the quality and effectiveness of an educational system bear a close relationship to the ability of its teachers to meet the educational and social needs and expectations of the community. It may be in the best interests of the State and the community to establish a comprehensive credentialing body, such as the board contemplated by S.B. No. 896, S.D. 1. Your Committees also believe that the concept of a Teacher Standards Board warrants the review proposed by this resolution.

Your Committees on Consumer Protection and Commerce and Legislative Management concur with the intent and purpose of S.C.R. No. 73, S.D. 1, and recommend its adoption.

Signed by all members of the Committees.

**SCRep. 1817 Consumer Protection and Commerce; Health; and Legislative Management on S.C.R. No. 24 (Majority)**

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct an assessment of the social and financial impact of mandating insurance coverage for naturopathic medical care. The resolution requests that the Legislative Auditor report findings and recommendations to the Legislature prior to the convening of the Regular Session of 1990.

Testimony in support of this resolution was received from the Hawaiian Society of Naturopathic Physicians, and several naturopathic physicians. These testifiers emphasized that they are not asking to increase or include any additional insurance benefits, but rather seek a more competitive health care market which would benefit consumers by increasing their health care options. Your Committees were advised that most mainland based insurance companies provide coverage for naturopathic physician services. The Hawaii Medical Service Association also testified in support of this resolution.

The Department of Health advised your Committees that it does not object to the study requested by this resolution. The Hawaii Federation of Physicians and Dentists testified against this resolution, and stated that it opposes mandatory insurance coverage for naturopathic care in the interest of consumer protection.

Your Committees agree with the position of the Hawaii Medical Service Association, that the study contemplated by this resolution would provide objective information which would provide a basis for a discussion of the merits of mandatory insurance coverage for naturopathic medical care.

Your Committees on Consumer Protection and Commerce, Health and Legislative Management concur with the intent and purpose of S.C.R. No. 24, S.D. 1, and recommend its adoption.

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

**SCRep. 1818 Labor and Public Employment and Legislative Management on S.C.R. No. 232**

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a comprehensive study on the impact of changing the current class VII in section 297-31.1, Hawaii Revised Statutes, to class VIII and of establishing a new class VII.

The concurrent resolution provides for the new class VII teacher to be any teacher who holds a certificate issued by the Department of Education based upon five acceptable years of college education, sixty additional credits approved by the Department of Education, and other requirements as may be established by the Department of Education.

Your Committees received favorable testimony from the Department of Education and the Hawaii State Teachers Association.

Your Committees on Labor and Public Employment and Legislative Management concur with the intent and purpose of S.C.R. No. 232, S.D. 1, and recommend its adoption.

Signed by all members of the Committees.

**SCRep. 1819            Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs on S.C.R. No. 98**

The purpose of this concurrent resolution, as received, is to urge the United States Congress to support H.R. No. 4335 ("National Biological Diversity Conservation and Environmental Research Act") that recommends the establishment of a national policy for the conservation of biological diversity.

Biological diversity is a key factor in maintaining a stable global ecosystem, and currently this diversity is being reduced at an exponential rate. In addition to the obvious aesthetic loss, there is a growing concern about the potential scientific, agricultural, and medicinal resources being irretrievably lost.

Your Committees further find that 90 per cent of all the plant and animal species in Hawaii are not found elsewhere in the world, consequently this concurrent resolution also urges Congress to consider establishing a National Center for Biological Diversity or a Regional Center for Tropical Biology in Hawaii.

Congress is also urged to provide adequate funding for this program which, if enacted, could provide critical coordination and information transfer between researchers in both the private and public sector.

Your Committees on Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 98 and recommend its adoption.

Signed by all members of the Committees except Representative Hirayama.

**SCRep. 1820            Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs on S.C.R. No. 109**

The purpose of this concurrent resolution is to request Hawaii's congressional delegation to investigate the extent of the Federal Energy Regulatory Commission's (FERC) authority to license hydroelectric power projects in Hawaii, particularly as this authority may conflict with the constitutional and statutory powers and duties of the State of Hawaii to protect and manage Hawaii's water resources. Should the outcome of the requested investigation warrant it, Hawaii's congressional delegation is requested to introduce appropriate legislation to clarify the role and authority of FERC to license hydroelectric power projects in Hawaii.

Testimony in support of this measure was received from the Department of Business and Economic Development. In its testimony, the Department expressed concern over FERC's indication that it is within their jurisdiction to license hydroelectric power projects in Hawaii. Previously, FERC's jurisdiction appeared to encompass interstate and foreign commerce. However, after the decision in Cooley vs. FERC, FERC now appears to be taking the position that it possess the authority to license any entity that asks for such a license. With licensure comes the power of eminent domain, and the State Office of the Attorney General has intervened in four current licensing applications before FERC.

Your Committees find that it would be in the best interest of the State for the Legislature to request that our congressional delegation investigate the inconsistencies that will exist between state and federal objectives if FERC maintains the position it adopted after the recent decision of Cooley vs. FERC.

Your Committees on Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 109 and recommend its adoption.

Signed by all members of the Committees except Representatives Hashimoto and Takamine.

**SCRep. 1821            Planning, Energy and Environmental Protection on S.C.R. No. 178**

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study the issues causing uncertainty over the Environmental Council's authority to issue declaratory rulings and to propose ways to mitigate that uncertainty, including specific amendments to the law.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of S.C.R. No. 178, SD 1, and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1822            Planning, Energy and Environmental Protection on S.C.R. No. 261**

The purpose of this concurrent resolution is to request the Governor's Office of Information and the Department of Land and Natural Resources to assist in the collection of the information and photographs regarding the five varieties of hibiscus indigenous to Hawaii.

The concurrent resolution also requests members of the Legislature to encourage awareness programs in their communities on the native hibiscus.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of S.C.R. No. 261 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1823          Planning, Energy and Environmental Protection on S.C.R. No. 36**

The purpose of this concurrent resolution is to request the Natural Area Reserves System Commission to recommend an appropriate Natural Reserve Area to the Board of Land and Natural Resources in order for it to be dedicated in honor of the late Dr. Wayne Gagne.

A distinguished and internationally renowned conservationist and entomologist, Dr. Gagne has lead important projects and authored many noteworthy articles on conservation and resource management throughout the Pacific Basin. Dr. Gagne became an environmental catalyst, actively promoting the preservation and protection of Hawaii's unique environment. His enthusiasm to promote environmental awareness and protect areas of critical importance led to the development and adoption of the State's Natural Area Reserves program.

Your Committee finds that his contribution to environmental awareness in the State of Hawaii merits the distinction of dedicating a natural area reserve in his honor and memory.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of S.C.R. No. 36, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1824          Planing, Energy and Environmental Protection on S.C.R. No. 198**

The purpose of this concurrent resolution is to request the Department of Health, acting as agent for the United States Environmental Protection Agency, to verify its actions and participation in the decision to divert grant funds received for the Wailua Sewage Treatment Project in 1980 and report its findings to the Legislature.

The concurrent resolution also requests assistance from the Hawaii Congressional delegation in resolving this problem.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of S.C.R. No. 198 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1825          Economic Development and Hawaiian Affairs on S.C.R. No. 106**

The purpose of this concurrent resolution is to create a task force to examine the services available to Hawaiians and native Hawaiians.

The services to be examined include: social services for the elderly; educational services; special needs for "at risk" categories such as school dropouts, juvenile offenders, and pregnant teenagers; medical needs; legal assistance including land titles and genealogical research; special needs of rural Hawaiians; employment problems; and cultural heritage.

Further, the work of the task force shall also include an inventory of current services and programs being provided; an assessment of the use and accessibility of current services and programs; an analysis of the quality of coordination of existing services and programs; an identification of critical needs and requirements that need to be addressed; and recommendations on improving accessibility, the quality of coordination, and the provision of future services and programs for currently unmet needs.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of S.C.R. No. 106, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Apo, Bellinger and Hashimoto.

**SCRep. 1826          Economic Development and Hawaiian Affairs; Legislative Management; and Judiciary on H.R. No. 364**

The purpose of this resolution is to request a study on the means and cost of making the Legislature more accessible to residents of the neighbor islands.

Your Committees find that many residents of the neighbor islands cannot afford the expense of long distance telephone calls, air fare, and other travel costs and therefore are denied the opportunity to be full participants in the legislative process.

State investments in modern telecommunications and computer technology over the past few years provide a cost effective means of greatly improving the flow of information and public participation.

Your Committees further find that while certain recommendations of the Fair Access Commission such as teleconferencing and interactive television require careful study, the means and methods to provide improved access in other areas are obvious and a study is not needed. Rather, a firm commitment to open government and the active participation of its citizens is needed. Your Committees have amended this resolution to express this commitment and call for action.

Your Committees received testimony in support of this resolution from neighbor island residents, the American Association of University Women, and GTE Hawaiian Tel.

Your Committees on Economic Development and Hawaiian Affairs and Legislative Management and Judiciary concur with the intent and purpose of H.R. No. 364, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 364, H.D. 1.

Signed by all members of the Committees except Representatives Kihano, Peters, Souki and Yoshimura.

**SCRep. 1827            Health on S.C.R. No. 141**

The purpose of this concurrent resolution is to recognize the month of May in the year of 1989 as "Better Hearing and Speech Month" in Hawaii.

Currently, 24 million Americans, or nearly 10 percent of our nations population, suffer from a speech, language, or hearing impairment. Many of these people are able to lead full and productive lives through rehabilitation by trained professionals, the availability of assistive devices, and accessibility to needed medical care.

Your Committee finds that promoting this May as "Better Hearing and Speech Month" will increase public awareness of communication disorders and services available in the community for those with hearing, speech, and language problems.

Your Committee on Health concurs with the intent and purpose of S.C.R. No. 141 and recommends its adoption.

Signed by all members of the Committee except Representatives M. Ige, Kawakami, Metcalf, Peters and Tam.

**SCRep. 1828            Health on S.C.R. No. 162**

The purpose of this concurrent resolution is to request that the Department of Health conduct a study of the effects of volcanic fumes on the people, agriculture, and water systems of the island of Hawaii.

Your Committee received testimony in support of this measure from the Department of Health, and it is the opinion of your Committee that there is a demonstrable need to act quickly to conduct the study called for in this concurrent resolution.

Your Committee on Health concurs with the intent and purpose of S.C.R. No. 162 and recommends its adoption.

Signed by all members of the Committee except Representatives M. Ige, Kawakami, Metcalf and Peters.

**SCRep. 1829            Health on S.C.R. No. 120**

The purpose of this concurrent resolution is to request the Department of Health to develop a plan for aeromedical transport systems for the island of Hawaii, Maui, Molokai, Lanai and Kauai.

Your Committee finds that the unique island-State geography of Hawaii dictates the need for aeromedical transport capacity and capability to ensure that high risk patients are rapidly transported to comprehensive medical centers.

Your Committee heard testimony, in strong support of this resolution, from the Department of Health (DOH). The DOH supports the development of a tripartite system for the delivery of prehospital emergency medical service, utilizing ground, rotorcraft, and fixed wing aeromedical transport systems.

Your Committee on Health concurs with the intent and purpose of S.C.R. No. 120, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives M. Ige, Peters and Tam.

**SCRep. 1830            Health on S.C.R. No. 215**

The purpose of this concurrent resolution is to develop a transition plan which accommodates the needs and privileges of the resident-patient population of Kalaupapa, Molokai.

Your Committee heard testimony in support of this resolution from the Department of Health. Your Committee finds that it is important to respect the needs of those living at Kalaupapa, but that a future plan is also needed to help provide

for continuity. The Department testified that it is unequivocally committed to the right of each Kapaupapa resident-patient to remain in the Kalaupapa community as long as they wish.

Your Committee on Health concurs with the intent and purpose of S.C.R. No. 215, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives M. Ige, Peters and Tam.

**SCRep. 1831 Health on S.C.R. No. 14**

The purpose of this concurrent resolution is to encourage the health insurance industry to provide coverage for prescription drugs used to treat individuals diagnosed as HIV-positive.

Your Committee heard testimony in support of this resolution from the Department of Health and the Governor's Committee on AIDS. The Hawaii Medical Service Association testified that they did not object to the intent of the resolution, but believed that they are already meeting the spirit of the resolution since their organization pays benefits for AZT and other Federally approved drugs for the treatment of HIV-positive individuals.

Your Committee finds that the intent expressed in this concurrent resolution takes into consideration the catastrophic costs of dealing with HIV infection and represents a humanitarian approach to this aspect of the problem.

Your Committee has amended this concurrent resolution by incorporating several amendments suggested by the Governor's Committee on AIDS, with the concurrence of the Department of Health, and H.M.S.A. The amendments are as follows:

- 1) In the first, fourth, and sixth WHEREAS clauses, we have substituted the term "persons with AIDS" for the more value-laden terms "victims" and "sufferers", and we have added the term "often" to describe their need for hospitalization.
- 2) In the third WHEREAS clause, we have changed the reference from "experimental" drugs to refer to new drugs with recent FDA approval.
- 3) In the fourth WHEREAS clause, we have added the modifier "unproven in terms of efficacy" to the description of the drugs in question and have deleted the phrase "from overseas".
- 4) In the sixth WHEREAS clause, we have added a reference to "FDA approved" drugs.
- 5) In the BE IT RESOLVED clause, we have deleted the term "experimental" and have instead used the term "drugs approved by the Federal government".
- 6) Your Committee has also made non-substantive, technical changes for purposes of form and clarity.

Your Committee on Health concurs with the intent and purpose of S.C.R. No. 14, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 14, H.D. 1.

Signed by all members of the Committee except Representatives M. Ige, Peters and Tam.

**SCRep. 1832 Health on S.C.R. No. 117**

The purpose of this concurrent resolution is to request the Department of Health to institute helicopter ambulance service in the County of Hawaii.

Your Committee heard supporting testimony from the Department of Health. Your Committee finds that the size and topography of the County of Hawaii demand helicopter ambulance service to cut the long transportation times and risks of hazardous road travel. Your Committee further finds that heliports should be considered during capital improvements projects of medical facilities for the County of Hawaii.

Your Committee on Health concurs with the intent and purpose of S.C.R. No. 117, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives M. Ige, Peters and Tam.

**SCRep. 1833 Health on S.C.R. No. 190**

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to assess the feasibility of having health-related therapists, with comparable work and wage schedules, working in the Department of Education.

Your Committee received testimony in support of this resolution from the Department of Health, the Department of Education, the Department of Personnel Services and from a physical therapist.

Your Committee finds that occupational and physical therapists work with special education students. However, because of breaks in the school year, such as summer break, therapists do not have consistent pay throughout the year. A

lack of comparable work schedules with other DOE teachers negatively affects health-related therapists, and the current situation may make it more difficult to retain and attract them.

The Department of Health testified that the study should give a better understanding of the total cost impacts of 12-month service delivery and other uncertainties. The Department of Education testified that a shortage in personnel who can provide therapy-related services adversely affects special education efforts.

The Department of Personnel Services (DPS) testified that therapists, who occupy civil service positions in the Department of Health are covered by the collective bargaining unit for professional and scientific employees. DPS testified that the problem of workers being under two different governances is neither new nor unique. However, DPS felt it was important to also assess the issue of parity between health-related therapists who serve in the DOE and other health therapists who work in the DOH (who serve the handicapped in clinics, hospitals and other State programs).

Both the DOH and DPS mentioned that a civil case, involving some of these issues, against the State and the Hawaii Government Employees' Association is currently pending in circuit court. The court's decision may give legal clarification to the underlying issues.

Your Committee on Health concurs with the intent and purpose of S.C.R. No. 190, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives M. Ige, Peters and Tam.

**SCRep. 1834 Higher Education and the Arts on S.C.R. No. 95**

The purpose of this concurrent resolution is to request that the President and the Board of Regents of the University of Hawaii move up phase III of the Hamilton library building in their capital improvement priority list so that the project may be funded by the Legislature this year.

Your Committee heard testimony in favor of the concurrent resolution from the university's Vice President for Finance and Operations.

Your Committee finds that Hamilton library is essential to the productivity and effectiveness of research and teaching in every department and program on the university's Manoa campus and that the geographic isolation of the State imposes a special responsibility to maintain a comprehensive library, thus making the expedient funding and completion of phase III of Hamilton library a necessity.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 95 and recommends its adoption.

Signed by all members of the Committee except Representative Bunda.

**SCRep. 1835 Higher Education and the Arts on S.C.R. No. 82**

The purpose of this concurrent resolution is to urge the Board of Regents to establish a Center on the Family at the University of Hawaii at Manoa.

Your Committee heard testimony in favor of the concurrent resolution from the university's Dean of the College of Tropical Agriculture and Human Resources, the President of the Hawaii Extension Homemakers Council and many concerned citizens.

Your Committee finds that in Hawaii, the family remains the most effective social system for rearing children, however families in the State are experiencing stress and difficulties as reflected in statistics on divorce, poverty, illegitimacy, teen pregnancy, abortion and youth suicide. Because family strengths and needs in Hawaii differ from those on the mainland, your Committee finds it beneficial to the people of Hawaii if a Center on the Family was established who will focus with scholars from various fields and departments and collaborate their work on understanding Hawaii's families.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 82, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Bunda.

**SCRep. 1836 Higher Education and the Arts on S.C.R. No. 111**

The purpose of this concurrent resolution is to request the University of Hawaii to establish the Family Community Leadership (FCL) program as a permanent program within the College of Tropical Agriculture and Human Resources of the University of Hawaii.

Your Committee heard testimony in favor of the concurrent resolution from the Dean of the College of Tropical Agriculture and Human Resources, graduates of the FCL program, and concerned citizens.

Your Committee finds that the educational benefits that students receive from the program help to increase the awareness and involvement of citizens in the community decision making process. In addition, the success of the FCL program in Hawaii has given the FCL concept national visibility. The FCL program has shown that training in

leadership skills, personal development and public policy education can help citizens develop the confidence and skills to make a difference in their communities.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 111, S.D. 1, and recommend its adoption.

Signed by all members of the Committee except Representative Bunda.

**SCRep. 1837 Higher Education and the Arts on S.C.R. No. 128**

The purpose of this concurrent resolution is to encourage the Department of Budget and Finance to conduct periodic bond sales that are marketed as college savings bonds provided that a viable market exists for such bonds and the sale is deemed to be fiscally sound and prudent.

Your Committee heard testimony in favor of the concurrent resolution from the university's Office of Planning and Policy and the Department of Budget and Finance.

Your Committee finds that with the escalating costs of postsecondary education, periodic sales of general obligation bonds that are structured to help residents provide for their children's college education will assist many in obtaining instruction at the postsecondary level.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 128 and recommends its adoption.

Signed by all members of the Committee except Representative Bunda.

**SCRep. 1838 Higher Education and the Arts on S.C.R. No. 270**

The purpose of this concurrent resolution is to urge the University of Hawaii to reinstate wrestling as an intercollegiate sport and to have the President of the University of Hawaii submit a report on the costs of implementing and maintaining the wrestling program to the Legislature before the convening of the 1990 Regular Session.

Your Committee heard testimony in favor of the concurrent resolution from the Director of Intercollegiate Athletics.

Your Committee finds that wrestling is a popular sport that allows student athletes an opportunity to develop and use their abilities in organized competition and provides a valuable addition to a student's college experience whether as a participant or a spectator. Your Committee also finds that the sport of soccer, especially women's soccer, should be included as an intercollegiate sport and has amended the concurrent resolution to reflect this.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 270, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 270, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representative Bunda.

**SCRep. 1839 Higher Education and the Arts on S.C.R. No. 47**

The purpose of this concurrent resolution is to request the National Collegiate Athletic Association (NCAA) to repeal its Proposition 42 and to assess whether Proposition 48 is consistent with the goals of higher education.

Proposition 48, which was enacted in 1986, placed restrictions on financial aid to freshmen student athletes. It required them to meet a minimum grade point average in college preparatory subjects and minimum scores on the Scholastic Aptitude test or the examination of the American College Testing Program. Since its enactment, Proposition 48 has been criticized as being discriminatory against underprivileged and underachieving minorities because of its emphasis on culturally biased standardized tests.

Proposition 42, enacted in January 1989, prohibits any financial aid to entering freshmen who do not meet all of the requirements of Proposition 48.

Your Committee received testimony in favor of the concurrent resolution from the University of Hawaii. In testimony, the University stated that it voted against Proposition 42 at the annual NCAA Convention.

Your Committee agrees that Proposition 42 should be repealed and that Proposition 48 should be reviewed, however, your Committee feels that the concurrent resolution would be more effective if it were directed to the President of the University instead of the NCAA. Amendments have been made to reflect these sentiments.

Your Committee has made a technical, nonsubstantive amendment.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 47, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 47, H.D. 1.

Signed by all members of the Committee except Representative Bunda.



**SCRep. 1840 Higher Education and the Arts and Economic Development and Hawaiian Affairs on S.C.R. No. 127**

The purpose of this concurrent resolution is to request the Board of Regents of the University of Hawaii to consider the establishment of a film industry degree program at the university and to report its findings and recommendations to the Legislature.

Your Committees heard testimony from the University in favor of the concurrent resolution. However, the Arts and Sciences Dean said that costs to establish such a program would be very high, and it would be necessary to renovate the annex of Kennedy Theater to provide adequate facilities for the program. The Dean also suggested working with the College of Business Administration to further develop such a program.

Your Committees expressed concern that without a film industry program, Hawaii cannot attract film companies to relocate here, but at the same time, adequate jobs do not exist presently to support graduates of such a program.

However, your Committees finds that there continues to be interest in a film industry program and the Legislature has received offers from the private sector to donate equipment if a program like this were to be established. It is recommended that any new study should include the private sector. The concurrent resolution has been amended to reflect this.

Your Committees on Higher Education and the Arts and Economic Development and Hawaiian Affairs concur with the intent and purpose of S.C.R. No. 127, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 127, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representative Bunda.

**SCRep. 1841 Higher Education and the Arts on S.C.R. No. 48**

The purpose of this concurrent resolution is to request the National Collegiate Athletic Association (NCAA) to liberalize its rules concerning baseball games against foreign opponents.

Presently, college baseball teams are allowed to play only one game against a foreign team without the game affecting the total number of games allowed during the season. Because of Hawaii's proximity to the Pacific and Asian nations, the University of Hawaii is adversely affected by the rule.

Your Committee heard testimony in favor of the concurrent resolution from the University of Hawaii provided that the increase does not negatively impact upon the academic integrity of the program.

Your Committee agrees that the university should be allowed to play more baseball games with foreign nations, however, your Committee feels that the concurrent resolution would be more effective if it were directed to the President of the university instead of the NCAA. Amendments have been made to reflect these sentiments.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 48, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 48, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representative Bunda.

**SCRep. 1842 Higher Education and the Arts and Ocean and Marine Resources on S.C.R. No. 124**

The purpose of this concurrent resolution is to request that the University of Hawaii Institute of Marine Biology prepare a plan for the Board of Regents to establish a Marine Research Field Station in Puako, Hawaii, and to request that the Board of Regents react to this plan promptly. This concurrent resolution also requests that the Department of Land and Natural Resources permit the Marine Research Field Station be situated on Lot No. 43, Puako Beach.

Studies have divulged that the reefs of Puako are among the best developed and diverse in the State. To protect this pristine environment for scientific research and the enjoyment of future generations, it has been suggested that the area be designated a Marine Life Conservation District.

In addition, it was discovered that the Puako field station would be more effective under the joint management of the Hawaii Institute of Marine Biology and the University of Hawaii at Hilo. This would assure access to new facilities and programs for students enrolled in marine education at the University of Hawaii Hilo campus.

Your Committees on Higher Education and the Arts and Ocean and Marine Resources have amended this concurrent resolution to include the Waimea-Kawaihae Community Association and the Puako Community Association in the planning process, and requested that any physical improvements and landscaping complement the adjacent properties and structures.

Your Committees have further amended this concurrent resolution to transmit copies to the Waimea-Kawaihae Community Association and the Puako Community Association.

Your Committees on Higher Education and the Arts and Ocean and Marine Resources concur with the intent and purpose of S.C.R. No. 124, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 124, S.D. 1, H.D. 1.

Signed by all members of the Committees.

**SCRep. 1843 Health and Intergovernmental Relations and International Affairs on S.C.R. No. 160**

The purpose of this resolution is to request the Governor, with the assistance of the Department of Health and county governments, to study the problems faced by persons who rely on water catchment systems for drinking water.

The study would recommend reasonable alternatives other than granting tax credits and would review the following alternatives:

- (1) Granting low interest loans for constructing or replacing lead contaminated catchment systems;
- (2) Using bottled water;
- (3) Using water filters;
- (4) Removing lead based paint or lead containing materials from water catchment systems; and
- (5) Constructing supplemental water catchment systems for drinking and cooking purposes while retaining existing catchment systems for non-drinking purposes.

Lead has been measured in water catchment systems on Hawaii, Maui and Kauai in amounts which far exceed Environmental Protection Agency acceptance levels. This is a public health problem of serious proportions which requires remedial action on state and county levels. This concurrent resolution would provide valuable information on which to base decisions and derive solutions to the lead problem.

Your Committees on Health and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 160, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representative Peters.

**SCRep. 1844 Health and Legislative Management on S.C.R. No. 57**

The purpose of this resolution is to request the Legislative Auditor to evaluate the quality of treatment and care to the mentally retarded/developmentally disabled in community-based facilities.

Your Committees heard testimony in support of the resolution from the Department of Health and the Hawaii Psychological Association. The Department suggested that the study focus on residential programs rather than all community-based programs, which include adult day programs and respite programs, due to the magnitude of such a study. Furthermore, while the Department recognizes the need to assess the treatment and care given in unlicensed residential facilities, it has no control over these illegal operations. It therefore recommends that the evaluation study focus primarily on the licensed residential care homes, over which the Department does have control.

Your Committees find that an evaluation of the monitoring process and regulations concerning treatment and care of the mentally retarded/developmentally disabled in community-based facilities is important to ensure that they receive appropriate services when they are returned to the community. Your Committees recognize the magnitude of the study, and suggest it focus on the quality of care and the adequacy of monitoring regulations and implementation for the licensed community-based residential care homes.

Your Committees on Health and Legislative Management concur with the intent and purpose of S.C.R. No. 57, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Alcon, Kihano and Peters.

**SCRep. 1845 Health and Higher Education and the Arts on S.C.R. No. 157 (Majority)**

Your Committees have amended the title of the resolution to reflect its new intent and purpose:

**"ENCOURAGING THE UNIVERSITY OF HAWAII, SCHOOL OF PUBLIC HEALTH, TO CONTINUE ITS INVESTIGATION INTO THE PRESENCE OF MERCURY IN HAWAIIAN GROWN MARIJUANA AND ITS HARMFUL EFFECTS."**

The purpose of this resolution, as received by your Committees, was to request the Department of Health to conduct a study with the cooperation of the University of Hawaii's Botany Department, to institute a confidential program to test the levels of mercury in volunteer subjects who smoke marijuana and the possible harmful effects of this mercury.

Your Committees received testimony in support of this resolution from the Department of Health and the University of Hawaii. Both testimonies stated that the University of Hawaii's School of Public Health, rather than the the Department of Health and the University's Botany Department, is better suited to conduct the study. The Department of Health added that it does not have funds available for such a study.

Although your Committees were uncomfortable with funding research on the health impacts of the use of illegal substances when many legal substances still need to be studied, your Committees find that a study documenting the

possible hazards of mercury in marijuana smoke may lessen the public acceptance and use of that illegal substance. Your Committees are in support of this study insofar as it does not divert priorities away from other important studies that measure the health impacts of substances in our environment, such as lead.

In addition to amending the title of the resolution, your Committees are adding three WHEREAS clauses to the beginning of the resolution, a final WHEREAS clause, and amending the BE IT RESOLVED sections to reflect the Committees' rationale for encouraging the School of Public Health of the University of Hawaii to conduct the study.

Your Committees on Health and Higher Education and the Arts concur with the intent and purpose of S.C.R. No. 157, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. 157, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representatives Bunda, Peters, Stegmaier and Tom.  
(Representatives Liu and O'Kieffe did not concur.)

**SCRep. 1846            Agriculture on S.C.R. No. 129**

The purpose of this concurrent resolution is to request that the Department of Agriculture (DOA) conduct a study to determine the need and feasibility of establishing a Hawaii agricultural development corporation. The Governor's Agriculture Coordinating Committee (GACC), College of Tropical Agriculture and Human Resources (CTAHR), and the Department of Business and Economic Development are to assist in the study.

Your Committee received testimony in support of the concurrent resolution from the DOA, GACC, and CTAHR. The testimony indicated that the corporation, to be known as the Hawaii Agricultural Development Corporation, would provide the coordination between the various private and public institutions whose contributions are essential to the success of alternative crops development in Hawaii.

Your Committee finds that the need for such a corporation emerged from an analysis of Hawaii's alternative crops industry conducted by the GACC in 1988. The Hawaii Agricultural Development Corporation was proposed as a means to overcome the institutional barriers and the lack of mechanisms to bring together joint public-private ventures for alternative crops development.

Your Committee on Agriculture concurs with the intent and purpose of S.C.R. No. 129 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1847            Agriculture and Legislative Management on S.C.R. No. 179**

The purpose of this concurrent resolution is to request the Office of Legislative Auditor to conduct a financial audit of the Hawaii Sugar Planters' Association (HSPA) with emphasis on the expenditures of State funds appropriated for research and development, including alternate crops and products.

Your Committees find that in recognition of the sugar industry's dominant agricultural role and importance to the Hawaii's economic base, the State has assisted the industry since 1982 to offset part of the industry's research and development costs. The State's annual funding contributions throughout these years ranged from 30.8 to 41.7 percent of the total research and development costs expended by the industry.

Your Committees received oral testimony from the HSPA indicating that its contract with the State provides for an annual audit. HSPA had no objections to the concurrent resolution.

Your Committees on Agriculture and Legislative Management concur with the intent and purpose of S.C.R. No. 179 and recommend its adoption.

Signed by all members of the Committees.

**SCRep. 1848            Labor and Public Employment and Intergovernmental Relations and International Affairs on H.R. No. 278**

The purpose of this resolution is to request the Department of Labor and Industrial Relations, in cooperation with the Department of Health, to investigate the working conditions and retirement allowance formulas of wastewater treatment plant operators, wastewater treatment plant assistant operators, and wastewater treatment mechanics employed by the counties.

Your Committees received favorable testimony from the Hawaii State AFL-CIO recognizing the hazardous nature of the services rendered by these workers. The testimony further noted that there is little information available on work-related health problems of these workers.

Your Committees on Labor and Public Employment and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 278 and recommend its adoption.

Signed by all members of the Committees.

**SCRep. 1849 Labor and Public Employment on H.R. No. 371**

The purpose of this resolution is to request the Governor to convene an interim task force to examine the recommendations presented in the 1989 study done by the Legislative Reference Bureau entitled Parental or Family Leave in Hawaii and to propose legislation to implement a statewide family leave policy in Hawaii.

Your Committee finds that for years, Hawaii's working people, particularly women, have been forced to choose between the health and well-being of their family and job security. Your Committee further finds that legislative action on family leave policies has been impaired by an absence of necessary information concerning costs, benefits, participation in such programs and the impact of such policies on economic growth.

Your Committee received favorable testimony on this resolution from the Department of Labor and Industrial Relations, the Department of Personnel Services, the State Commission on the Status of Women, the Hawaii State AFL-CIO, the National Federation of Independent Business, Working Women of Hawaii, Hawaii Women Lawyers, the Hawaii State Teachers Association, and the Hawaii Nurses' Association.

Your Committee has amended this resolution to include a representative of Hawaii Women Lawyers on the interim task force and to transmit a certified copy of this resolution to the Director of Hawaii Women Lawyers.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 371, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 371, H.D. 1.

Signed by all members of the Committee.

**SCRep. 1850 Labor and Public Employment on H.R. No. 345**

The purpose of this resolution is to request the Board of Trustees of the Hawaii Public Employees Health Fund (Health Fund) to submit a report detailing why it has been unable to continue its policy of reimbursing the full cost of Medicare Part B insurance premiums. The resolution further requests that the trustees recommend changes to provide for reimbursement for retirees.

Your Committee received testimony from the Board of Trustees of the Health Fund and the Coalition of Hawaii State-Counties Retirees in support of this measure.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 345 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1851 Human Services and Legislative Management on S.C.R. No. 155**

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study the feasibility of establishing a pilot program for volunteer youth services similar to the California Conservation Corps or the Volunteers in Service to America (VISTA) program.

Your Committees find that this type of program would greatly benefit the youth of our State by providing opportunities for them to expand their realm of experience in a positive manner.

Your Committees on Human Services and Legislative Management concur with the intent and purpose of S.C.R. No. 155, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Apo, Kihano, Peters and Cavasso.

**SCRep. 1852 Human Services and Legislative Management on S.C.R. No. 137**

The purpose of this resolution is to request a Legislative Auditor study on the feasibility of funding a long-term care insurance program through the earmarking of revenues from the four percent general excise tax on health care services.

Your Committees found this a needed area for study and noted that this resolution did make reference to the fact that long-term care is needed by people in all age groups.

Your Committees on Human Services and Legislative Management concurs with the intent and purpose of S.C.R. No. 137 and recommend its adoption.

Signed by all members of the Committees except Representatives Apo, Kihano, Peters, Souki and Cavasso.

**SCRep. 1853 Human Services and Labor and Public Employment on S.C.R. No. 7**

The purpose of this concurrent resolution is to request the design of a model for continuing social work education, suggested implementation legislation, and a joint report to the next Legislature.

Your Committees heard supporting testimony from the Department of Human Services, the Department of Corrections, the Department of Personnel Services, the Dean of the University of Hawaii School of Social Work and an representative from Kokua Senior Citizens Council.

Your Committees feel the design of a model will assist State agencies in their efforts to recruit and retain social workers. The Committees raised concerns they would like considered during the discussions on formulating a model. Those concerns are:

- (1) that the model serves those with undergraduate and graduate social work degrees as well as those without social work degrees;
- (2) that the model provides stipends for the entire length of time necessary for receiving a degree; and
- (3) that the model includes a review of and suggestions for a stronger program of paid practicum placements for student social workers in State agencies.

Your Committees on Human Services and Labor and Public Employment concur with the intent and purpose of S.C.R. No. 7, S.D. 1, and recommends its adoption.

Signed by all members of the Committees except Representatives Peters and Cavasso.

**SCRep. 1854 Human Services on S.C.R. No. 259**

The purpose of this resolution is to ask the Department of Land and Natural Resources to lease a parcel of land adjacent to Waimanalo Elementary and Intermediate School to the Seagull Schools, Inc. for a child care and community facility.

Your Committee heard testimony from the Department of Land and Natural Resources that the parcel has been leased to the Hawaii Housing Authority for a low-rent public housing project.

Your Committee also heard from the Director of Seagull Schools, Inc. that they had broad based support in the Waimanalo community for their plans for a child care and other community services facility.

Your Committee decided to amend the resolution so that the Hawaii Housing Authority is now asked to lease the site to Seagull Schools. The resolution is further amended to also ask the Department of Land and Natural Resources to search for other suitable sites for Seagull Schools. The title of the resolution has been changed to read: "REQUESTING THE HAWAII HOUSING AUTHORITY TO PROVIDE A LEASE OR THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO SEARCH FOR A SITE FOR SEAGULL SCHOOLS, INC. IN WAIMANALO".

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 259, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 259, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Peters and Cavasso.

**SCRep. 1855 Human Services on S.C.R. No. 271**

The purpose of this concurrent resolution is to request the Kona Community Advisory Council's Subcommittee on Domestic Violence to form an advisory group of representatives to examine methods of providing an integrated family violence program. The study should identify existing services available to respond to family violence problems, the additional services needed, the necessary costs involved for providing such additional services, and determine whether a coordinator is needed to implement an integrated family violence program.

Testimony in support of this measure was received from the Department of Human Services. In its testimony the Department suggested that this study be coordinated with a similar study to be conducted by the office of State Planning, pursuant to the provisions of S.B. No. 1321, which requires the Office of State Planning to develop a statewide plan for the provision of services to control violent behavior.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 271, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Peters and Cavasso.

**SCRep. 1856 Human Services on S.C.R. No. 69**

The purpose of this concurrent resolution is to request the Department of Corrections to expedite the expansion of the correctional enterprise program to include education in basic principles of entrepreneurship and in the practice of establishing the legal and financial structures of a business.

Your Committee received testimony in support of this measure from the Department of Corrections.

Your Committee on Human Services 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 except Representatives Peters and Cavasso.

**SCRep. 1857 Human Services on S.C.R. No. 107**

The purpose of this concurrent resolution is to request the Governor to appoint a special master to assist the Department of Corrections in attacking persistent problems in the corrections program with the full force of the executive branch.

Your Committee received testimony in support of this measure from the Department of Corrections, the State Planning Council on Developmental Disabilities, the Commission of the Handicapped, as well as other agencies and organizations.

The Director of Corrections was unable to state at this time exactly how decision making would be shared between the special master for the corrections system and the Director of Corrections, since the scope of the master's duties and decision-making authority has yet to be determined. The Director did agree to apprise the Chair of the Human Services Committee on the extent of the master's duties and authority when these were determined.

Your Committee on Human Services is in accord with the intent and purpose of S.C.R. No. 107 and recommends its adoption.

Signed by all members of the Committee except Representatives Peters and Cavasso.

**SCRep. 1858 Human Services on S.C.R. No. 214**

The purpose of this concurrent resolution is to request the Legislative Auditor to convene a task force consisting of agencies and organizations in the State that utilize or administer federal Medicaid funds to conduct a study and develop a strategic plan that would ensure the most efficient utilization of federal Medicaid funds which may be available to the State.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 214, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Peters and Cavasso.

**SCRep. 1859 Human Services on S.C.R. No. 164**

The purpose of this concurrent resolution is to encourage the Department of Corrections to take immediate action to improve processing of inmate grievances and to prepare a report to be submitted to the Legislature summarizing the actions taken in this regard.

An effective inmate grievance procedure is an importation aid to maintaining inmate morale and security in any correctional facility. This measure seeks to ensure that the grievance procedures available to inmates at all state correctional facilities are responsive to the needs of those inmates by requesting that the Department of Corrections adopt a systemwide approach to those procedures. Among other things, this systemwide approach would include a permanent department grievance counselor, grievance officers at each correctional facility, training for all staff who have contact with inmates, a uniform system for collection of grievance data, and the use of that data for administrative oversight.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 164, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Peters and Cavasso.

**SCRep. 1860 Judiciary on S.C.R. No. 240**

The purpose of this concurrent resolution is to request that the Judiciary implement the recommendations contained in Legislative Auditor's Report No. 89-5, entitled Management and Financial Audit of the Judiciary of the State of Hawaii, and to report its progress to the 1990 session of the Legislature. This concurrent resolution also asks the Legislative Auditor to review the Judiciary's progress in implementing those recommendations.

Your Committee received testimony in support of this concurrent resolution and believes the adoption of this measure will help ensure meaningful progress by the Judiciary in addressing the important recommendations contained in the above-mentioned Legislative Auditor's Report.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 240, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Andrews, Bellinger, Hayes, Hirono, Peters, Yoshimura and Cavasso.

**SCRep. 1861 Planning, Energy and Environmental Protection and Legislative Management on S.C.R. No. 245**

The purpose of this concurrent resolution, as received by your Committees, is to request that the Legislature Auditor review the Coastal Zone Management Program for the purpose of determining the status and implications of the decline in federal funding and resolving the jurisdictional questions relating to the Office of State Planning, the Department of Transportation, the Department of Land and Natural Resources, and the counties.

Your Committees find that the integrity of the Coastal Zone Management Program must be maintained in order to protect Hawaii's precious environment and coastal resources. Given the growing demands on the State's coastal resources, this will be an extremely important examination to guide the State towards a more efficient and effective resource management system.

Your Committees further find that the counties have primary jurisdiction within the special management area. Accordingly, no State agency may issue permits pertaining to any development within the special management area unless approval is first received in accordance with the counties' special management area requirements. Your Committee has amended this concurrent resolution to reflect the well established primary jurisdiction of the counties within the special management area.

Your Committees have further amended this concurrent resolution by requesting the Legislative Auditor to determine whether State agencies and rules adopted by such agencies recognize and are in compliance with the primacy of the counties' authority in the special management area.

Your Committees on Planning, Energy and Environmental Protection and Legislative Management concur with the intent and purpose of S.C.R. No. 245, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 245, H.D. 1.

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

**SCRep. 1862            Judiciary and Health on S.C.R. No. 76**

The purpose of this concurrent resolution is to request that the Judiciary's Alternative Dispute Resolution Program convene a roundtable discussion of various mental health and legal organizations and utilize its expertise to assist those groups in reaching a consensus regarding improvements to mental health treatment and services in Hawaii.

The focus of those discussions should include, but not be limited to, the issues of civil commitment, treatment alternatives, patient's rights, the duties of mental health care providers, location of mental health care facilities and the stigma associated with mental illness.

Your Committees have received favorable testimony on this concurrent resolution.

Your Committees on Judiciary and Health concur with the intent and purpose of S.C.R. No. 76, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Andrews, Arakaki, Bellinger, Chang, Duldulao, Hayes, Hirono, M. Ige, Peters, Yoshimura and Liu.

**SCRep. 1863            Judiciary on S.C.R. No. 85**

The purpose of this concurrent resolution is to request that the Office of State Planning (OSP) conduct a study to determine whether the current placement of attorneys in departments other than the Department of the Attorney General is efficient and appropriate.

This concurrent resolution further requests that the study specifically consider whether enforcement functions are adequately separated from adjudicatory function and urges that all departments, commissions, bureaus, agencies, and entities having the power to employ attorneys to extend full cooperation to the OSP during the course of the study.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 85, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Andrews, Bellinger, Hayes, Hirono, Peters, Yoshimura and Cavasso.

**SCRep. 1864            Water and Land Use and Tourism on S.C.R. No. 218**

The purpose of this concurrent resolution is to designate approximately sixty acres of State-owned land (TMK: 1-5-41) on Sand Island, Oahu, as the site of a State-operated industrial park to be known as the Sand Island Industrial Park.

At its meeting of March 23, 1989, the Board of Land and Natural Resources adopted a resolution to designate the Sand Island Industrial Park. Section 171-132, Hawaii Revised Statutes, provides for the designation of an industrial park on public lands via resolution adopted by the Board of Land and Natural Resources and subsequent approval via concurrent resolution by the Legislature.

Your Committees find that the Sand Island site is currently being used for industrial purposes, and that there is a need for designation and improvement of the parcel as provided by Section 171-132. Your Committees further find that the designation will provide existing qualified and eligible permittees an opportunity to obtain long-term leases in the

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industrial park, help to stabilize the Sand Island business community, and secure long-term employment for many of its workers.

Your Committees on Water and Land Use and Tourism concur with the intent and purpose of S.C.R. No. 218, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Apo, Hashimoto, Horita, Oshiro and Say.