

SCRep. 1194-90 Judiciary on S.B. No. 13

The purpose of this bill is to designate December 8 of each year as Bodhi Day, to commemorate the day that Prince Siddhartha Gautama attained "enlightenment".

Your Committee received testimony in support of this bill from an interested member of the public. Your Committee finds that December 8, known to Buddhists as Bodhi Day, is perhaps the most important day for Buddhists throughout the world. This day recognizes the fact that Siddhartha Gautama was the first to attain "enlightenment", and, more importantly for thousands of Buddhists in Hawaii, this day affirms the goal of Buddhism to attain enlightenment.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 13, 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. 1195-90 Judiciary on S.B. No. 2549

The purpose of this bill is to address the concerns of the liquor commissions, the liquor industry, and the general public by significantly strengthening and clarifying the laws relating to intoxicating liquor and by updating liquor laws which are no longer responsive to current community needs.

Your Committee received testimony from the Honolulu Liquor Commission, Mothers Against Drunk Driving, Ala Moana-Kakaako Neighborhood Board No. 11, the Wholesale Liquor Dealers Association of Hawaii, the Hawaii Hotel Association, the Retail Liquor Dealers Association of Hawaii, the Hawaii Food & Beverage Association, the Liquor Dispensers of Hawaii, the Honolulu Police Department, the Hawaii Restaurant Association, and interested members of the public in support of this measure with various suggested amendments.

Your Committee finds that this measure is an attempt to make vital amendments to existing statutes which would allow the liquor commissions to effectively carry out their charge of overseeing and regulating the liquor industry. Your Committee also finds that this measure is the result of many months of meetings and conferences between the liquor industry, the Honolulu Liquor Commission and the neighbor island liquor commissions. The testimony received from representatives of a wide variety of interests reaffirmed the merit of this measure.

Your Committee further finds that the term "sell", as defined in Section 481-1, Hawaii Revised Statutes, includes "to have or keep or offer or expose for sale" and has therefore amended Sections 2, 6, 31, and 39 of this bill by deleting the redundant phrases and by making technical, nonsubstantive changes.

Your Committee has also amended Section 13 of this bill by amending paragraph (b)(2) to state:

"(2) To sell any liquor, except for cash or by receiving payment in advance of delivery, to any retail licensee who has not paid in full for all previous purchases of liquor from such manufacturer or wholesaler by the expiration of the thirtieth day from the date of the invoice for such liquor."

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2549, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2549, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 1196-90 Judiciary on S.B. No. 2318

The purpose of this bill is to include the illegal distribution of steroids as an offense subject to the forfeiture provisions of the penal code.

Your Committee received testimony from the State Attorney General, the Director of Health, and the Honolulu Police Department in support of this bill.

Your Committee has amended this bill by:

1. Removing the word "disregard" from page 3, line 10, to conform with the wording of the statute;
2. Changing the reference to anabolic steroids from plural to singular in page 4, line 11, for purposes of style and clarity;
3. Inserting a new Section 3 to amend the current version of Section 329-55, because this bill will otherwise amend only the version of Section 329-55 which will become effective after the repeal of Act 260, Session Laws of Hawaii 1988;
4. Appropriately renumbering the subsequent sections and making technical changes for purposes of clarity and style.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2318, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2318, S.D. 1, H.D. 1.

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

SCRep. 1197-90 Judiciary on S.B. No. 2213

The purpose of this bill is to amend Section 266-27, Hawaii Revised Statutes, by prohibiting the mooring of vessels in a state harbor facility if the vessels have been found by law enforcement authorities to have been carrying illegal drugs.

Testimony in favor of this bill was received from the Department of Transportation.

Your Committee has amended this bill by inserting the words "or federal law" between the words "chapter 712A" and "shall" to clarify the intent of the bill to also allow the mooring of vessels under seizure by Federal law enforcement agencies. Your Committee has further amended this bill by making technical nonsubstantive changes.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2213, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2213, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 1198-90 Judiciary on S.B. No. 2943

The purpose of this bill is to conform the Board of Education districts to the latest reapportionment districts.

Testimony in favor of this bill was received from the Office of the Lieutenant Governor and the Board of Education.

Your Committee understands that this bill is a "housekeeping bill" conforming the Board of Education's departmental school districts to the proper representative districts as of the 1984 reapportionment.

Your Committee has amended this bill by making a technical, nonsubstantive change for purposes of style and clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2943, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2943, H.D. 1.

Signed by all members of the Committee.

SCRep. 1199-90 Judiciary on S.B. No. 2894

The purpose of this bill is to allow the board of trustees of the Health Fund to appoint its own legal counsel and allow the Attorney General to appoint a representative to serve as the legal advisor to the Health Fund's Board of Trustees.

Testimony on this bill was received from the Department of Budget and Finance and the Hawaii Government Employees Association.

Your Committee understands that present law allows the Attorney General to represent the Board as its legal advisor on all issues, rules, contracts, etc. Your Committee realizes, however, that as a cabinet officer of the Governor, the Attorney General or the appointed representative will have a conflict of interest because the Governor is defined as an "employer" by Chapter 89, Hawaii Revised Statutes, is an employee of the State of Hawaii, and is also an employee-beneficiary of the Health Fund. Your Committee believes that if the Board is allowed to appoint its own legal counsel, potential conflicts may be avoided.

Your Committee has made technical, nonsubstantive changes in this bill for the purposes of clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2894, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2894, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1200-90 Judiciary on S.B. No. 2811

The purpose of this bill is to authorize the county liquor commissions to request criminal history record information from the Hawaii Criminal Justice Data Center on applicants for liquor licenses.

Testimony was received from the Department of the Attorney General, the Department of Finance of the City and County of Honolulu, a spokesperson representing the Retail Liquor Dealers Association of Hawaii, the Hawaii Food and Beverage Association, and the Liquor Dispensers of Hawaii.

Your Committee understands that the proposed changes to Chapter 846, Hawaii Revised Statutes, would allow the verification of information given by an applicant regarding their fitness to hold a liquor license. Your Committee recognizes that without this change the Liquor Commission is unable to verify whether an applicant has a felony conviction. Your Committee, therefore, believes that this bill is necessary and appropriate if the liquor commissions are to effectively regulate the liquor industry.

Your Committee has amended this bill by deleting the qualification of what a "minor traffic violation" would be as used §846- (b)(1). This deleted provision required an applicant to sign a statement under penalty of perjury that the

applicant had not been convicted of a crime other than a minor traffic violation involving a fine of \$100 or less, and the details thereof. Your Committee believes that the possible penalty of perjury is far too broad should facts concerning a minor traffic violation be inadvertently omitted from an applicant's application.

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

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2811, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2811, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1201-90 Judiciary on S.B. No. 2284

The purpose of this bill is to propose amendments to Act 381 to clarify and correct certain provisions.

Testimony in favor of this bill was received from the Judiciary, the Department of Human Services, the Commission on Persons with Disabilities, AARP, the Kokua Council for Senior Citizens of Hawaii, and the Hawaii Psychological Association.

Your Committee finds that the deprivation of psychological care to a dependant adult may constitute abuse and have therefore amended this bill to reflect this concern. Your Committee also finds that there may be questions as to what an "entity" is as used on page 5, line 9. Your Committee, therefore, amends this bill by replacing "or an entity" with "a care organization, or a care facility" to avoid confusion and for clarity purposes. Succeeding references to an "entity" are also changed accordingly for consistency purposes.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2284, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2284, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1202-90 Judiciary on S.B. No. 3399

The purpose of this bill is to amend Chapter 291, Hawaii Revised Statutes, by adding a new section regulating excessively loud operation of a motor vehicle's sound amplification system.

Testimony in favor of this bill was received from the Department of Health and the Honolulu Police Department.

Your Committee finds that loud, motor vehicle sound amplification systems are well recognized as major sources of disturbances and annoyances within residential communities. Your Committee believes that it is in the best interests of the public that an expedient method of control be implemented.

Your Committee would like to make it clear that this bill does not preclude counties from enacting their own ordinances on this subject matter. Your Committee is firm, though, in its decision that the penalty provisions in this bill will always preempt the penalty provisions in any enacted ordinance unless that ordinance's penalty provisions as a whole are greater in magnitude than those contained in this bill.

Your Committee has amended this bill by adding a purpose section, inserting the phrase "sixty feet or more" as another factor which may be considered by the police when enforcing this proposed statute, and by making technical nonsubstantive changes.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 3399, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3399, S.D. 1, H.D. 2.

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

SCRep. 1203-90 Judiciary on S.B. No. 1146

The purpose of this bill is to add assaults against police officers to Section 707-711, thereby making them Class C felonies. This bill seeks to impose the same sanctions for assaults against police officers as assaults against correctional workers and teachers.

Your Committee received testimony in support of this bill from the State Attorney General's Office, the Prosecuting Attorneys and Police Chiefs of the City and County of Honolulu and the Counties of Kauai, Maui and Hawaii, the State of Hawaii Organization of Police Officers, and individual police officers. Testimony against this bill was received from the Public Defender's Office.

Your Committee will not seek to explain in this report its rationale for the creation of special categories of assaults against correctional workers and teachers. Your Committee notes its generally steadfast aversion to creating special classes of persons receiving greater protection under the laws than others. Police officers, more than most citizens, are trained and equipped to handle violent situations, and, because assaults against police officers typically occur in the heat of the moment with little regard for the consequences, there remains room to doubt whether this measure will have the deterrent effect intended. Yet, changing times require changing views, and in this instance it appears that police officers,

and society in general, may benefit from a measure imposing minimum penalties for assaulting police officers, which penalties may offer some additional measure of protection in what is admittedly a hazardous profession.

Your Committee finds that a separate category of assault against police officers should be created, however, the offense should be categorized as a misdemeanor, with a minimum sentence of imprisonment for thirty days. Your Committee has amended this bill accordingly.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1146, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1146, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Andrews, Bellinger and Peters.

SCRep. 1204-90 Judiciary on S.B. No. 103

The purpose of this bill is to repeal Section 604-6.1, Hawaii Revised Statutes, granting the district courts jurisdiction over leased or rented personal property. It also seeks to amend Section 604-5, sub-section (d), Hawaii Revised Statutes, by repealing the prohibitions on district courts to try actions for libel, slander, defamation of character, malicious prosecution, false imprisonment, breach of promise of marriage, or seduction and power to appoint referees in any cause.

It is Your Committee's understanding that the repealed jurisdictional language is redundant with other sections, and that the limitations on district court practice no longer have any practical effect.

Your Committee has amended this bill by inserting a new Section 2 which requires District Court judges to be attorneys licensed to practice in all the courts of the State for at least ten years, instead of five years. Subsequent sections of this bill were renumbered as appropriate. Technical, nonsubstantive changes have been made for purposes of style and clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 103, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 103, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Andrews, Bellinger, Peters and Shon.

SCRep. 1205-90 Judiciary on S.B. No. 1110

The purpose of this bill is to amend Section 712-1200, Hawaii Revised Statutes, to make it clear that the customer of a prostitute is also guilty of the offense of prostitution, and establish that law enforcement officers carrying out their duties (e.g., in so-called "sting" operations) are not guilty of the offense of prostitution.

Your Committee received testimony from the Office of the Public Defender, the Honolulu Police Department, the Waikiki Resident Association, the American Association of University Women, the Waikiki Health Center, and the Commission on the Status of Women.

Your Committee believes that any business, legal or illegal, functions on the principle of supply and demand. The buyers and sellers in illegal business transactions should be targets for prosecution as they are both violators of the law.

Your Committee has made technical, nonsubstantive changes for the purposes of style and clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1110, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1110, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1206-90 Judiciary on S.B. No. 2279

The purpose of this bill is to amend Sections 76-16(9) and 76-77(14), Hawaii Revised Statutes, which pertains to civil service exemptions.

Testimony was received from the Judiciary and the County of Hawaii.

Your Committee understands this bill is to clarify HRS Section 76-16(9) which provides for the exemption of various positions at the Judiciary. Testimony indicated that current language creates confusion and difficulty in situations where a judge, who has been assigned a bailiff, requires the services of a law clerk. In these instances the bailiff cannot be replaced since that position is protected by the civil service system. The judge, though, requires the services of a law clerk whose work a bailiff is unqualified to perform. Your Committee believes that current language presents difficulties that may easily be resolved by this bill.

Your Committee has amended this bill to include appropriate language to amend Section 76-77. The purpose of this amendment is to correct an inconsistency in the law as it applies to the housing and community development programs of Hawaii, Maui, and Kauai counties. Each county program is currently made up of three parts: a section 8 housing assistance program; a community development block grant program; and a housing development section. All are principally federally funded.

The first is exempted from civil service requirements under Section 76-77(14). While the latter two are also presently being exempted, the basis is less clear. Usually Sections 76-77(1) or (5) have been used. Your Committee believes, however, it would be better to use the same exemption since the circumstances of employment are basically the same for all positions.

Your Committee has also made technical, nonsubstantive changes for the purposes of clarity and style.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2279, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2279, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1207-90 Judiciary on S.B. No. 3018

The purpose of this bill is to improve the administrative procedures for child support orders under Chapter 576E, Hawaii Revised Statutes.

Your Committee received testimony from the Family Court of the First Circuit, the State Office of Children and Youth, the Hawaii Women Lawyers, and the Department of the Attorney General in support of this bill with various proposed amendments.

Your Committee finds that the amendments proposed by this bill are based upon one year of actual experience with the administrative process under Chapter 576E, and are necessary to respond to changes in federal child support enforcement requirements. Your Committee finds that this bill proposes to make the following changes to existing law for the following reasons:

- (1) Add a new section to Chapter 576E which provides a mechanism in which child support hearings officers may make recommendations to the Family Court that the Court exercise its contempt powers in appropriate cases. The current law does not provide for this power;
- (2) Add a new section to Chapter 576E which provides a mechanism for honoring the requests of another state to withhold the in-state earnings of an employee for disbursement as child support to out-of-state dependents. The purpose of this change is to comply with federal law;
- (3) Amend Section 571-52.2 to make it clear that automatic wage assignment orders for child support are operative in an administrative context. The purpose of this amendment is to allow hearings officers and the child support enforcement agency to enter such orders when appropriate. The present statute empowers only the Family Court to withhold child support providing certain language was originally placed in the support order that permitted such withholding;
- (4) Amend Section 576-4 to make it clear that intercounty cases will be processed through Chapter 576E. The current law provides that intercounty cases will be handled by the Family Court as if they were interstate cases under Chapter 576.
- (5) Amend Section 576-27 to allow the Child Support Enforcement Agency to review and certify petitions seeking another state's assistance in obtaining child support. The current law provides that only the Family Court will conduct the review and certification process;
- (6) Amend Section 576-31 to add the administrative process as an alternative procedure in responding to out-of-state requests. The current law empowers the Family Court to take action on out-of-state requests;
- (7) Amend Section 576-33 to make it clear that the hearings officers will apply the provisions of Chapter 576 in adjudicating interstate responding cases. The current provision empowers only the Family Court to conduct proceedings on interstate responding cases;
- (8) Amend Section 576D-7(a) to substitute the word "modified" for the word "enforced". The current law mandates the application of the guidelines, which application tends to impede the expeditious processing of an enforcement case;
- (9) Amend Section 576E-1 to add certain key terms and to clarify existing definitions;
- (10) Amend Section 576E-2 to give the hearings officers the authority to suspend and terminate child support orders and to recommend that contempt proceedings be initiated;
- (11) Amend Section 576E-3 to make it clear that the Child Support Enforcement Agency (Agency) has jurisdiction to suspend and terminate child support orders;
- (12) Amend Section 576E-4 to allow for service of notices and documents by regular mail after the initial service of process;
- (13) Amend Section 576E-5 to clarify the procedures by which a person responsible for support is provided with notice of the Agency's intention to take action to obtain child support. The proposed amendment:

- (A) Makes it clear that the agency cannot issue an administrative order for child support until the responsible parent is served with proper notice;
 - (B) Deletes the thirty-day period between commencement of agency action and issuance of an order without affecting the operation of administrative proceedings or due process rights of the responsible parent; and
 - (C) Requires additional statements relating to consequences and effect of the agency's actions to be placed in the notice;
- (14) Amend Section 576E-6 by setting a time limit of ten days in which a parent may request a hearing;
 - (15) Amend Section 576E-7 by reducing from twenty days to ten days the period after which the agency shall adopt the proposed order if the parent does not request a hearing. The reason for this change is to bring Section 576E-7 in conformity with Section 576E-6;
 - (16) Amend Section 576E-9 by making technical changes to clarify the section;
 - (17) Amend Section 576E-10 by increasing the authority of hearings officers to perform duties necessary for the administration of the chapter. Through the benefit of one year's experience it has become apparent that this amendment is necessary;
 - (18) Amend Section 576E-11 by adding clarifying language and making technical changes. The intent of these changes are to eliminate unnecessary boilerplate provisions in support orders;
 - (19) Amend Section 576E-12 by clarifying the language to make it consistent with other sections in the chapter;
 - (20) Amend Section 576E-13 by allowing any party, including the Agency, to appeal an administrative order to the senior Family Court judge or senior judge in the appropriate circuit court;
 - (21) Amend Section 576E-14 by making it clear that judicial and administrative orders may be modified through the administrative process and by establishing a standard by which an administrative order may be terminated;
 - (22) Amend Section 576E-15 to make it clear that the guidelines established under Section 576E-7 shall be applied when modifying or establishing support orders;
 - (23) Amend Section 576E-16 to comply with 45 C.F.R. §303.100(d)(3) relating to proper notification to subsequent employers;
 - (24) Amend Section 576E-17 to make technical changes consistent with other provisions in the chapter; and
 - (25) Repeal Section 576-37.5 relating to interstate request for income withholding;

Your Committee has amended this bill as follows:

- (1) By making technical, nonsubstantive changes for purposes of style and clarity;
- (2) By changing SECTION 20 of the bill relating to appeal to the family court to require the appeal to be instituted in the family court instead of allowing it to be filed with the family court or the circuit court;
- (3) By adding a new section to Chapter 576E relating to willful violations;
- (4) By adding a new section to Chapter 576E relating to a biennial audit by the legislative auditor;
- (5) By adding a definition for "Uniform Statewide Procedures"; and
- (6) By adding a new section to Chapter 576E requiring the Agency to comply with applicable federal laws with respect to uniform state procedures.

In light of the number of amendments made to S.B. No. 3018, S.D. 1, it should be noted that your Committee finds that the Child Support Enforcement Agency indeed requires major improvements and corrections to its present operations.

While the proposed amendments will strengthen enforcement mechanisms to provide more effective ways of collecting child support, these steps are just a beginning. As pointed out in the Legislative Auditor's 1989 Operations Audit of the Child Support Payment Process, staffing problems, in recruiting and retaining staff to fill established positions, are a serious concern. Ultimately, your Committee's efforts to make corrections to the enforcement process must be coupled with the provision of additional resources for increased staffing and a major operational overhaul.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 3018, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3018, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Peters.

SCRep. 1208-90 Judiciary on S.B. No. 3021

The purpose of this bill is to make additions and corrections to the controlled substance schedules, to broaden the offense of fraudulent obtaining of a controlled substance to include theft, and to make it unlawful to obtain a legal prescription for a controlled substance by misrepresenting or withholding information. Changes to the existing controlled substance schedules were necessitated in order to conform with federal law.

Your Committee received testimony in favor of this bill from the Department of the Attorney General. The Office of the Public Defender testified in opposition to the adaptation of certain language contained within the bill.

This bill, as written, proposes to amend the Uniform Controlled Substance Act to make it unlawful for any person to knowingly or intentionally acquire or obtain possession of a controlled substance by theft. Your Committee finds that current law regarding the possession of controlled substances without a prescription is now an offense under the Penal Code thereby making the proposed language unnecessary. Consequently, the proposed amendment making theft of a controlled substance an illegal act has been deleted.

Your Committee finds that current law makes it unlawful for any person to knowingly or intentionally acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge. This bill proposes to make an illegal act the obtaining of a legal prescription for a controlled substance from one or more practitioners by intentional misrepresentation or by withholding information regarding recent use or acquisition of controlled substances.

Your Committee is of the opinion that current law is sufficient, thus making the proposed amendment unnecessary. Your Committee has, therefore, amended this bill by deleting this language in Section 3.

Your Committee made technical, nonsubstantive amendments for purposes of style and clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 3021, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3021, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1209-90 Judiciary on S.B. No. 26

The purpose of this bill is to amend the Hawaii Revised Statutes (HRS) by adding new parts, amending current sections and subsections, and deleting outdated and unnecessary statutes which concern government regulation.

Testimony on this bill was received from the Department of Finance of the City and County of Honolulu, the Department of the Prosecuting Attorney of the City and County of Honolulu, the Board of Agriculture, the Department of Health, and the Office of the Mayor of the County of Hawaii.

Your Committee has amended the bill by making the following changes:

- (1) Retaining the language of Section 445-71, HRS, relating to the licensing of food processors and manufacturers;
- (2) Retaining the language of Section 445-93, HRS, relating to the licensing of restaurants;
- (3) Adding a new part and amending current law in Section 159, HRS, relating to meat inspection;
- (4) Adding a new section and amending current law in Section 209, HRS, relating to disaster relief;
- (5) Amending current law in Section 801D-4, HRS, relating to the notification of victims of crimes; and
- (6) Making technical, nonsubstantive changes for purposes of style and clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 26, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 26, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 1210-90 Judiciary on S.B. No. 2764

The purpose of this bill is to prohibit the carrying of payloads containing weapons of destruction or nuclear material by space vehicles launched from the land or ocean territory of the State.

Your Committee received testimony in support of this bill from the Department of Business and Economic Development and in opposition to this bill from the State Attorney General.

Your Committee is cognizant of the doctrines of federal supremacy and preemption and has amended this bill by changing the prohibition into an expression of State policy.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2764, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2764, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Andrews, Bellinger, Peters, Shon and Cavasso.

SCRep. 1211-90 Judiciary on S.B. No. 2482

The purpose of this bill is to strengthen the current plant and non-domestic animal quarantine law.

Testimony on this bill was received from the Department of Agriculture, the Hawaii Farm Bureau, and the Honolulu Airlines Committee.

Your Committee finds that the provisions of this bill will clarify and strengthen certain weaknesses in current quarantine regulations.

Your Committee has amended this bill by:

- (1) Proposing that Chapter 150A, Hawaii Revised Statutes (HRS), be amended by adding a new section providing for the authority of the Board of Agriculture to recommend additions, deletions, and revisions to the list of plants, animals, and microorganisms enumerated in Section 150A-6, HRS. The purpose of this amendment is to require the lists of conditionally approved, restricted, and prohibited plants, animals, and microorganisms to be kept in statutory form;
- (2) Deleting paragraphs (5) and (6) in Section 150A-6(a), HRS, and the words "maintained by the board" in Section 150A-6(b) and Section 150A-7(b), HRS, to be consistent with the requirement that the lists be kept in statutory form;
- (3) Reorganizing subsection (b) of Section 150A-6, HRS, and deleting the words "that is" from Section 150A-7(b), HRS, for purposes of style and clarity;
- (4) Deleting the words "or any rule adopted under this chapter" from Section 7 for the purpose of not allowing the Department of Agriculture to establish criminal penalties by rulemaking;
- (5) Conforming the criminal penalty language in Section 7 to provisions of the Hawaii Penal Code; and
- (6) Making technical, nonsubstantive changes.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2482, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2482, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Andrews, Bellinger, Peters and Shon.

SCRep. 1212-90 Judiciary on S.B. No. 1721 (Majority)

The purpose of this bill is to amend Section 286-128, Hawaii Revised Statutes, relating to the assessment of points for the evaluation of a motor vehicle operator's driving record.

Testimony in favor of this bill was received from the Department of Transportation.

Your Committee believes that the modification of the point assessment system of motor vehicle operators' driving records will increase driver accountability and contribute greatly towards the continuous process of improving highway safety.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1721, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

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

SCRep. 1213-90 Judiciary on S.B. No. 3225

The purpose of this bill is to amend three sections of the Hawaii Revised Statutes (HRS). Section 267-3, HRS, is amended by adding three new definitions: commercial high speed boating; open ocean racing boat; and water sledding. Section 267-4, HRS, is also amended to have these activities done in designated areas and for the Department of Transportation to comply and implement the official recommendations of the National Marine Fisheries Service in regards to the protection of protected marine life and habitats. Section 267-16, HRS, is also amended to ban thrill craft, water sledding, or commercial high speed boating during weekends and state holidays.

Testimony on this bill was received from the Department of Transportation, the West Maui Taxpayers Association, and Kona Water Sports.

Your Committee finds this bill places restrictions on thrill craft and parasail operations in the interest of public safety through the management of nearshore activities in reducing ocean user conflicts. Your Committee also believes that there is an urgent need to protect endangered species and is, therefore, in agreement with the intent of this bill to minimize the adverse impacts of recreational activities on humpback whales and other protected marine life.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 3225, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1214-90 Consumer Protection and Commerce and Judiciary on S.B. No. 2117

The purpose of this bill is to reorganize the schedule of sunset evaluations provided in Section 26H-4, Hawaii Revised Statutes, and add Solicitors; Business of Taking Orders (Chapter 468) and Attorneys (Chapter 605) to the review cycle.

The Department of Commerce and Consumer Affairs testified in support of the bill as it felt that sunset reviews continue to ensure that the Department's and Board's regulatory functions are reviewed carefully.

The Hawaii State Bar Association (HSBA) testified in opposition to the portion of the bill which adds Chapter 605 to the sunset review schedule. The HSBA is concerned that if attorneys are moved to the sunset review schedule, Chapter 605 can be repealed or modified each time it comes up for review. Further, the HSBA believed the legislative auditor's office could not provide the most effective review. It also believed that the disciplining of attorneys should continue to be within the province of the judicial arm of government and that the principle of separation of powers between the judicial and legislative branches is at issue in this matter. The HSBA further testified that the Supreme Court has just completed reorganizing the Judiciary-Bar Association relationship and that the newly unified Bar "should be given the opportunity to develop and determine its own modifications to the present system."

Your Committees note that the bill contains a wide range of years among the professions between a profession's last review and next review. Your Committees have thus amended this bill to modify the review schedule for the various professions which undergo sunset review to more consistently provide for a ten year review cycle for each profession.

Your Committees have also amended this bill by deleting attorneys from the review cycle. Your Committees note that while it does not agree with the HSBA that the legislative arm may not properly review licensure and regulation of attorneys, the sunset review process may not be the most appropriate method of review. Additionally, your Committees believe that the recent changes by the Hawaii Supreme Court indicate that there should be adequate time for the new governance system for attorneys to develop.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 2117, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2117, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 1215-90 Consumer Protection and Commerce and Judiciary on S.B. No. 2019

The purpose of this bill is to clarify, modify, and codify principles of law in the area of strict products liability and negligence arising from defective products.

The law of products liability is a complex area of law affecting national and international manufacturers as well as local distributors and sellers. However, the major concern of your Committees is to help local distributors and sellers in Hawaii who only distribute or sell products made by these national or international manufacturers. Your Committees received much testimony relating to the law of products liability and its application across the country and in Hawaii.

Your Committees note that the Congress of the United States is considering a products liability law at the national level and believe that this is a more appropriate forum for the discussion of the protection of national and international manufacturing concerns. Piece meal legislation at the state level on these concerns would be of questionable benefit to consumers and local businesses.

Therefore, in addressing the concerns of local distributors and sellers, your Committees have amended this bill in the following manner:

- (1) Deleted the provision of the bill relating to open and obvious danger, since this provision affects out-of-state manufacturers and can best be addressed at the national level;
- (2) Added a provision requiring the indemnification and defense by defendant manufacturers, of Hawaii distributors and sellers, when the latter's activity only involves a sale of the product to consumers. By this provision, your Committees do not intend to abrogate any contractual agreements to the contrary made among or between a seller, retailer, wholesaler, or distributor and a manufacturer;
- (3) Added a provision relating to pleading unidentified defendants to allow attorneys to file complaints against only those persons whose liability appears when the lawsuit is filed without having to name others whose liability is questionable or unknown; and

- (4) Addressed the issue of comparative negligence by adding a provision relating to jury instructions because of testimony that the instructions currently given to juries in products liability cases may cause confusion.

Your Committees believe that the foregoing amendments will establish, clarify, and codify the right of persons in the chain of distribution of defective products when their activity only involves a purchase and sale of the product to consumers. At the same time, these amendments will not unnecessarily jeopardize the rights of victims from defective or dangerous products.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 2019, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2019, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 1216-90 Consumer Protection and Commerce on S.B. No. 1398

The purpose of this bill is to mandate that all health insurance policies in this State, including accident and sickness insurance policies, individual and group hospital or medical service plan contracts, include coverage for a minimum schedule of mammographic screenings.

The Department of Health, the Kokua Council for Senior Citizens, volunteers with the American Cancer Society, the Queen's Medical Center, the Hawaii Federation of Business, Professional Women's Clubs, Inc., and the American Association of Retired Persons favor the bill.

Your Committee understands that mammography provides the most effective early detection procedure currently available and thereby allows for the greatest opportunity to prevent deaths due to breast cancer. However, many women do not have mammograms on a regular basis because the cost of the procedure is not usually covered by health insurance companies. It is anticipated that if coverage is mandated, it would result in an increased cost of approximately \$.41 per year per person. Those who provided testimony also noted that twenty-five states now mandate this coverage and that similar legislation is pending in 21 other states.

The Hawaii Medical Service Association (HMSA) testified that, while it opposes mandating benefits through the legislative process, it is no longer opposed to this measure because cost control provisions have been included in the bill.

American Family Life Assurance Company (American Family Life) agreed with the concept of the bill and proposed an amendment to make it clear that supplemental health insurance policies are not required to provide mammographic screening coverage. American Family Life believes that supplemental policies are "inappropriate vehicles for mandated benefits which may be better suited to policies that provide comprehensive health insurance benefits." For example, specified disease coverage policies provide mammography payments after the diagnosis of cancer and do not cover preventive maintenance coverage. Initial mammography examinations would be appropriately provided by general health insurance coverage.

Your Committee has amended this bill to clarify that mammographic screening coverage is mandated with respect to comprehensive health insurance policies and not to supplemental health insurance policies such as described by the representative from American Family Life.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1398, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1398, S.D. 1, H.D. 2.

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

SCRep. 1217-90 Consumer Protection and Commerce on S.B. No. 2119

The purpose of this bill is to amend Chapter 446E to require unaccredited degree granting institutions to register with the Department of Commerce and Consumer Affairs and to keep true and accurate records of student enrollment, courses, fees, and matriculation rates.

The Department of Commerce and Consumer Affairs, Office of Consumer Protection (OCP), the University of Hawaii (University), and some educators who teach at non-accredited degree granting institutions (Educators) testified in favor of this bill. The Educators stated that a non-accredited college or university can be as strong as an accredited institution. The Educators stated that there is a need for legitimate innovative educational programs for the general public to use. Further, the Educators believed that more regulation was needed to ferret out the phony unaccredited schools.

The University pointed out that the State Higher Education Executive Officers is currently undertaking an eighteen month study of state licensing practices. The University stated that they are participating in the study and will provide updates to the Legislature as they are available.

Your Committee finds that unaccredited degree granting institutions fill a need for those who want to educate themselves without studying at the University of Hawaii. However, your Committee is concerned that unscrupulous unaccredited degree-granting institutions will use the registration requirement in a misleading way by advertising to the public that they have registered with the Department of Commerce and Consumer Affairs or have complied with State law. Therefore, your Committee has amended this bill in the following manner:

- (1) Added a provision prohibiting an unaccredited degree-granting institutions from using the registration requirement as a "stamp of approval" from the State; and
- (2) Replaced the words "any degree granting institution which is not an accredited institution" with "unaccredited institution" as is defined in Chapter 446E.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2119, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2119, S.D. 1, H.D. 1.

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

SCRep. 1218-90 Judiciary on S.B. No. 2307

The purpose of this bill is to enact a new chapter in the Hawaii Revised Statutes to provide for substance abuse testing. This bill would ensure that standard requirements and procedures for substance abuse testing are employed throughout the State.

Testimony regarding this bill was received from the Honolulu Police Department, the Chamber of Commerce of Hawaii, the Hawaii Transportation Association, Straub Clinic and Hospital, Kapiolani Medical Center, the American Civil Liberties Union, and the Department of Health.

Your Committee is especially concerned about protecting privacy rights of individuals and providing reliable tests with accurate results. Consequently, your Committee has amended this bill to include more safeguards for the tested individual and more specifics for rulemaking by adding a new subsection to SECTION 7. Your Committee has also amended this bill by:

- (a) Adding language to subsection (c) of section 4, clarifying the ability of a laboratory to obtain a license in performing substance abuse testing;
- (b) Expanding the authority of the Department of Health to set fines for rules violations;
- (c) Setting a new enactment date for this bill as being January 1, 1992, to allow for a more realistic time for the Act to take effect; and
- (d) Making technical, nonsubstantive changes for purposes of style and clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2307, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2307, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Andrews, Bellinger, Cachola, Peters and Cavasso.

SCRep. 1219-90 Judiciary on S.B. No. 2292

The purpose of this bill is to provide for a process by which an adopted individual or the natural parents may be allowed to inspect adoption records.

Testimony on this bill was received from the Judiciary, the Department of Human Services, the Office of Children and Youth, Child and Family Services, the Adoption Circle of Hawaii, spokespersons representing professional and community groups, and private citizens.

Your Committee is well aware of the sensitive nature of the this subject. Your Committee is also well aware that there must be a balancing of interests in order to ensure and protect the rights of all concerned. Your Committee has therefore amended this bill by:

- (1) Removing the provision for inspection by adopted individuals under the age of majority;
- (2) Changing the place of requesting an inspection of the records from the Department of Health to the Family Court;
- (3) Requiring the Family Court to inform an agency designated by the Court to conduct a search for the natural parent if no affidavit requesting confidentiality has been received;
- (4) Requiring the Court to open the records for inspection if no affidavit is received by either the designated agency or the Court within 120 days after the initial request to the agency is made;
- (5) Changing the effective period of the affidavit from five years to ten years;
- (6) Providing for a second affidavit for lifetime confidentiality after the initial ten year period has lapsed. Lifetime confidentiality can be revoked at will by the person requesting confidentiality;
- (7) Providing for the same procedures of notices and opportunity to file affidavits for adoptees as well as natural parents; and

- (8) Making technical nonsubstantive changes for the purposes of style and clarity.

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

Signed by all members of the Committee except Representatives Andrews, Bellinger, Cachola, Hiraki, Hirono, Peters and Cavasso.

SCRep. 1220-90 Judiciary on S.B. No. 2865

The purpose of this bill is to include additional classes of criminal offenses which if committed by a person, while still a minor, would bar that person from lawfully possessing firearms or ammunition until that person is twenty-five years of age.

Testimony on this bill was received from the Department of the Attorney General on behalf of itself, prosecutors, and police chiefs, the Office of the Public Defender, and a representative of the community.

Your Committee notes that because of a technical error incident to the conference revision of the firearms statute in 1987, all persons under twenty-five who, as juveniles, committed violent crimes, may possess or own a firearm. Your Committee realizes that this was not the intent of that conference committee. Given the increase in the number of youth gangs and the related increases in violence and drug trafficking, it is in the interest of the community that all those persons with propensity to commit crimes of violence, crimes involving the sales of drugs, and felonies be prohibited from possession or ownership of a firearm.

Your Committee finds that this amendment will prohibit possession or ownership of firearms by all persons who have committed two or more misdemeanor acts of violence, an illegal sale of drugs, or any felony involving the threat or use of force. Requiring two acts of violence before prohibition is imposed will strike the appropriate balance between the need to keep firearms out of the hands of those who have a history of repeated violent conduct and the need to not unduly punish those who have exercised poor judgment on a single occasion. This bill will permit those who have committed juvenile offenses to own or possess firearms once they have attained the age of twenty-five in recognition of the fact that these individuals deserve to prove they have overcome the indiscretions of youth provided that they otherwise meet applicable firearms ownership requirements.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2865, 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. 1221-90 Judiciary on S.B. No. 2550

The purpose of this bill is to amend, reenact, or repeal various provisions of the Hawaii Revised Statutes and the Session Laws of Hawaii for the purposes of correcting errors, clarifying language, correcting references, and deleting obsolete or unnecessary provisions. All amendments are of a purely technical nature and contain no substantive changes to the law.

The reasons for amending the sections are as follows:

Section 1. L 1989, Act 120, section 2, amended section 11-218, and in so doing, inadvertently changed "county" to "city" when referring to "council member". The fact that the change was made without the usual bracketing and underscoring indicates that the change was probably an inadvertent typographical error rather than an intentional amendment. Section 11-218(b) should be amended to change "city" to "county".

Sections 2 to 3. L 1987, Act 191, repealed chapter 443A, and enacted a new chapter 443B, containing sections formerly in chapter 443A. Sections 40-82.5 and 231-13 contain references to chapter 443A, which set forth the bonding requirements for collection agencies. Sections 40-82.5 and 231-13 should be amended to delete the reference to the repealed chapter and to include the reference to the new chapter.

Section 4. L 1987, Act 62, section 5, repealed section 356-292, and Act 337, section 12(8), repealed chapter 356, part II. Act 337 also enacted a new chapter 201E containing sections which were formerly in chapter 356, part II. L 1989, Act 80, repealed the then existing chapter 47, and enacted a new chapter 47 containing sections formerly in the original chapter 47, but with different section numbers. Section 46-15.2 contains references to these repealed provisions and should be amended to refer to the current provisions.

Sections 5 and 6. L 1989, Act 80, repealed the then existing chapter 47, and enacted a new chapter 47 containing sections in the original chapter 47, but with different section numbers. Sections 46-105(c) and 237-27.6(c) contain cross references to chapter 47 which were not updated to reflect the new numbering, and should be amended to do so.

Section 7. L 1989, Act 334, section 1(1), amended section 87-1, and in so doing, inadvertently amended the wrong version of the section. The fact that the change was made without the usual bracketing and underscoring indicates that the change was probably an inadvertent error rather than an intentional amendment. Section 87-1(8) should be amended to reflect the correct version.

Section 8. L 1987, Act 347, repealed chapter 431, and enacted a new chapter 431 containing sections formerly in the original chapter 431. Section 88-119 contains references to sections 431-286, 431-287, and 431-293 which have been repealed and should be amended to refer to the current provisions.

Section 9. L 1988, Act 263, repealed chapter 70 and renumbered section 70-111 as section 46-74.2. Section 101-23 refers to section 70-111 and should be amended to refer to section 46-74.2.

Sections 10 to 12. L 1988, Act 65, amended various sections of the Hawaii Revised Statutes to substitute "condominium property regime" for "horizontal property regime". Sections 206X-6, 206X-7(b), and 514C-1 refer to "horizontal property regime" and should be amended to substitute "condominium" for "horizontal" in the phrase "horizontal property regime".

Section 13. Section 239-5 refers to a formula to determine the rate of the tax on gross income for public utilities. It appears that a printing error was made inadvertently dropping the word "on" when section 239-5(a) was amended in 1963. The formula should read "rate of the tax on gross income for the utility in question:". Section 239-5(a) should be amended to reflect the correct formula.

Section 14. L 1989, Act 208, repealed sections 431:10C-501 to 504, and added a new article 10G to chapter 431. Section 286-26(i) contains a reference to section 431:10C-502 and should be amended to refer to section 431:10G-106.

Sections 15 to 17. L 1987, Act 341, repealed chapter 333, and enacted a new chapter 333F, containing sections formerly in chapter 333. Sections 286-104, 571-50, and 607-5 refer to chapter 333 and should be amended to refer to chapter 333F.

Section 18. L 1989, Act 270, repealed sections 560:5-501 to 5-502, and enacted the Uniform Durable Power of Attorney Act, chapter 551D. Section 327D-26 refers to the durable powers of attorney pursuant to chapter 560 and should be amended to refer to chapter 551D.

Section 19. L 1987, Act 234, repealed chapter 321, part XVII, and enacted a new chapter, which was formally codified as part I (Smoking in public places) of chapter 328K, containing sections formerly in chapter 321, part XVII. During that same year, L 1987, Act 245 enacted another new chapter, which was formally codified as part II (Smoking in the workplace) of chapter 328K. Section 328K-16, one of the sections enacted by Act 245, refers to provisions under chapter 321, part XVII and should be repealed to delete the obsolete reference.

Section 20. The word "anabolical" in section 329-45 is a misuse of the term and should be "anabolic" in conformance with the provisions of the section which uses the term "anabolic". In addition, the section refers to the term "his" and should be amended to the gender neutral phrase "the practitioner's". Section 329-45(a)(2) should be amended to make these corrections.

Section 21. L 1989, Act 212, section 4, added section 342H-1, and in so doing, inadvertently neglected to add a comma between "trust" and "estate" in the definition of "Person". This section should be amended to make this correction.

Section 22. L 1989, Act 375, section 1, added section 352D-6, and in so doing, inadvertently dropped an "s" in the word "grant" and neglected to add a comma between "grant" and "subsidies" in paragraph (12). This section should be amended to make these corrections.

Section 23. L 1978, Act 241, abolished the office of the state fire marshal, and transferred the functions and responsibilities of the state fire marshal to the respective counties and the county fire chiefs. Section 352D-8(a) refers to the state fire marshal which is obsolete and should be amended to refer to the county fire chief.

Section 24. L 1987, Act 347, repealed chapter 431, and enacted a new chapter 431 containing sections formerly in the original chapter 431. Section 386-207(e) refers to repealed sections of chapter 431 and should be amended to refer to current provisions.

Section 25. Section 387-2 includes references to obsolete minimum wage provisions. This section should be amended to delete all references to obsolete provisions.

Section 26. L 1987, Act 105, section 1, added a new chapter which the revisor of statutes numbered as chapter 421H, and in so doing, inadvertently neglected to include a chapter reference in section 421H-6(a). This omission was made before the chapter was numbered. The reference, however, appears to be to the chapter of which the section is a part, rather than to another chapter. Section 421H-6(a) should be amended to refer to "this chapter".

Section 27. L 1989, Act 288, section 1, added section 425D-1106. The section title incorrectly refers to "part" instead of "chapter". The section should be amended to make the correction.

Section 28. L 1989, Act 335, section 2, added section 431:10A-522, and in so doing, inadvertently refers to "chapter" instead of "part" in the last two sentences. The section should be amended to make the correction.

Section 29. L 1986, Act 142, section 2, amended section 454D-2, and in so doing, inadvertently referred to "commissions" instead of "omissions" in the phrase "errors and commissions insurance. This section should be amended to make the correction.

Section 30. L 1989, Act 181, section 6, amended section 463E-5, and in so doing, inadvertently neglected to add the phrase "of each even numbered year" with regard to reregistration. Conference Committee Report No. 70 (April 21, 1989) specifically refers to the amendment to be made as "no later than January 31, of each even numbered year" instead

of "biennially in each even-numbered year, not later than January 31". The intent of L 1989, Act 181, section 6, was to eliminate redundancies in section 463E-5, not to require reregistration and 40 hours of continuing education each year. Section 463E-5 should be amended to make the correction.

Section 31. L 1989, Act 110, section 2, added section 466-11.5, and in so doing, inadvertently refers to "action brought under this section" instead of "action brought under this chapter". This section should be amended to make the correction.

Section 32. L 1988, Act 341, section 1, amended section 467-14, and in so doing, changed "license" to "licensee" in the last paragraph of the section. The fact that the change was made without the usual bracketing and underscoring indicates that the change was probably an inadvertent typographical error rather than an intentional amendment. This section should be amended to change "licensee" to "license".

Section 33. L 1987, Act 125, section 1, added section 521-74.5 which refers to "penalties available under section 480-2". This reference appears to be a typographical error, as section 480-2 refers to unfair competition practices that are declared unlawful. Section 480-3.1, on the other hand, refers to the civil penalty for violations of section 480-2. Section 521-74.2 should be amended to change the second reference to section 480-2 to 480-3.1.

Sections 34 and 35. L 1989, Act 247, section 1, repealed section 364-4, and in so doing abolished county administrators of the department of human services. Sections 571-62 and 578-8 refer to "county administrator" and should be amended to delete these obsolete references.

Section 36. Section 608-1.5 as enacted by L 1989, Act 271, section 1, refers to a judicial salary commission. The title incorrectly refers to "Judiciary salary commission". House Standing Committee Reports No. 393 (February 17, 1989) and No. 875 (March 3, 1989), and Senate Standing Committee Reports No. 1102 (March 20, 1989) and No. 1312 (March 31, 1989) all refer to the establishment of a "judicial salary commission". Section 608-1.5 should be amended to eliminate the incorrect title.

Section 37. L 1989, Act 164, section 8, amended section 803-46, and in so doing, inadvertently omitted the words "the offense" from the phrase "committing the offense and whose communications" in subsection (a). The fact that the omission was made without the usual bracketing indicates that the change was probably an inadvertent typographical error rather than an intentional amendment. This section should be amended to add the words "the offense" to the phrase "committing and whose communications".

Section 38. L 1989, Act 164, section 8, amended section 803-46 by deleting the words "or wireless" from the phrase "wire or wireless" and substituting the phrase ", oral, or electronic". In section 803-46(i), the phrase "wire or wireless" appears. To be consistent with the other uses of this phrase in the section as amended by Act 164, the phrase should be amended by deleting the words "or wireless" and substituting the phrase ", oral, or electronic". Section 803-46(i) should be amended to correct the inconsistency in phrasing.

Section 39. L 1989, Act 261, section 23, amended section 804-4, and in so doing, inadvertently dropped the words "petty misdemeanor" from the phrase "a misdemeanor, petty misdemeanor or violation" in the second sentence of the section. The fact that the omission was made without the usual bracketing indicates that the change was probably an inadvertent typographical error rather than an intentional amendment. This section should be amended to add the words "petty misdemeanor" to the phrase "a misdemeanor or violation". In addition, the section refers to the word "he" and should be amended to refer to the phrase "the court".

Section 40. L 1989, Act 266, section 2, amended chapter 408. However, the lead language of section 2 purported to amend chapter 408 "to read as follows", inadvertently repealing any section in chapter 408 which was not specifically set out in section 2. A review of Act 266 indicates that the intent was to amend the title and sections 408-1, 408-2, and 408-2.1, not the whole chapter. This intention is indicated in section 3 of Act 266, which amends sections of chapter 408 that are not mentioned in section 2. To avoid the inadvertent repeal of many sections in chapter 408, the prefatory language in section 2 of Act 266 should be amended to add the language "by amending the title and sections 408-1, 408-2, and 408-2.1" after the words "is amended".

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2550 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1222-90 Judiciary on S.B. No. 32

The purpose of this bill is to provide that the mandatory legislative recess shall be a total of not less than six days, as opposed to the present five day period, and to repeal the requirement that the recess occur between the twentieth and fortieth days of the regular session.

Testimony was received in favor of this bill by Senator Russell Blair.

This bill retains the provision that the mandatory recess shall be determined by a concurrent resolution adopted by a majority vote of the members of each house. Your Committee believes that allowing more flexibility in setting the dates of legislative recesses will permit future experimentation with new schedules to address the growing burden on legislative resources caused by the increased numbers of bills being considered.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 32 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 Andrews, Bellinger, Peters and Shon.

SCRep. 1223-90 Judiciary on S.B. No. 2287

The purpose of this bill is to raise the fee for issuing summons and copies, trial, judgment, and satisfaction in an action in the small claims division of the district court.

Testimony in favor of this bill was received from the Judiciary.

Your Committee is aware that the Small Claims Division was created to provide a simple and informal means by which litigants could settle disputes which do not exceed \$2,500. The filing fee was set at an amount in keeping with those types of cases. The proposed increase reflects inflation and rising court costs but still in relationship to the Small Claims concept. Furthermore, the judge may waive this fee if the litigant shows an inability to pay such a fee. Your Committee believes that the amending Section 633-29, HRS, by increasing the current \$5 fee to \$10, is appropriate.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2287 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1224-90 Judiciary on S.B. No. 89

The purpose of this bill is to remove references to jury commissioners from the civil service statutes and thereby bring the statutes into conformity.

Testimony in favor of this bill was received from the Judiciary.

Your Committee finds that under the 1987 Session Laws of Hawaii, Act 355, Section 16, jury commissions were abolished. Your Committee, therefore, finds that this bill will update current law and will avoid future confusion on the matter.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 89 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 Andrews, Bellinger, Peters and Shon.

SCRep. 1225-90 Judiciary on S.B. No. 2692

The purpose of this bill is to limit the age of the school buses contracted by the State to insure that students will be provided buses that are safe.

Testimony in favor of this bill was received from the Department of Accounting and General Services and the Department of Transportation.

Your Committee finds that an age limitation on the school buses utilized to transport Hawaii's school children would greatly enhance the safety and quality of the vehicles used. Your Committee also finds that the National Transportation Safety Board has requested all states to adopt legislation establishing a date by which school buses manufactured before April 1977, and being used for transporting students be phased out of use.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2692 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1226-90 Judiciary on S.B. No. 2728

The purpose of this bill is to allow government agencies to provide government records necessary for the exclusive representatives of employee bargaining units and to others receiving employees' payroll deductions to perform their functions.

Testimony in favor of this bill was received from the Department of Accounting and General Services, HGEA, and the Director of Personnel Services.

Your Committee understands that to function adequately, exclusive representatives require certain information that is sometimes contained in government personnel and payroll records. Your Committee believes that this bill, as amended, would create new procedural guidelines delineating what information an exclusive representative shall be entitled to obtain. Your Committee also recognizes that this bill would hold such an exclusive representative who receives government records to the same restriction on disclosure of such records as the originating agency.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2728, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1227-90 Judiciary on S.B. No. 33

The purpose of this bill is to amend the number and gender provisions of the Hawaii Revised Statutes by clarifying that the words of the State law which reference the feminine as well as the masculine gender shall infer a gender neutral connotation.

Testimony in favor of this bill was received from a representative of the community.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 33 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1228-90 Tourism and Transportation on H.R. No. 105

The purpose of this resolution is to strengthen the Hawaii visitor industry by having a locally-based airline fly directly between Hawaii and Japan.

The resolution requests that the United States Department of Transportation approve Hawaiian Airlines' application to fly nonstop between Hawaii and Nagoya, Japan, or in the alternative, Fukuoka, Japan. The resolution also requests that Hawaii's congressional delegation act in support of Hawaiian Airlines' application.

Your Committees received testimony in support from Hawaiian Airlines and the Hawaii Hotel Association.

Your Committees find that visitors from Japan stay half as long but spend four times as much as non-Japanese visitors, thus greatly contributing to Hawaii's economy but placing a reduced burden on infrastructure and natural resources. Additional airline flights between Hawaii and Japan would encourage travel to Hawaii from Japan and would benefit the State economy.

Your Committees on Tourism and Transportation concur with the intent and purpose of H.R. No. 105 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1229-90 Tourism and Transportation on H.C.R. No. 91

The purpose of this concurrent resolution is to strengthen the Hawaii visitor industry by having a locally-based airline fly directly between Hawaii and Japan.

The concurrent resolution requests that the United States Department of Transportation approve Hawaiian Airlines' application to fly nonstop between Hawaii and Nagoya, Japan, or in the alternative, Fukuoka, Japan. The concurrent resolution also requests that Hawaii's congressional delegation act in support of Hawaiian Airlines' application.

Your Committees received testimony in support from Hawaiian Airlines and the Hawaii Hotel Association.

Your Committees find that visitors from Japan stay half as long but spend four times as much as non-Japanese visitors, thus greatly contributing to Hawaii's economy but placing a reduced burden on infrastructure and natural resources. Additional airline flights between Hawaii and Japan would encourage travel to Hawaii from Japan and would benefit the State economy.

Your Committees on Tourism and Transportation concur with the intent and purpose of H.C.R. No. 91 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1230-90 Tourism and Intergovernmental Relations and International Affairs on H.R. No. 47

The purpose of the resolution is to have the Pacific Asia Travel Association (PATA) relocate its principal business office from San Francisco to Hawaii. The resolution requests that the Department of Business and Economic Development report to the 1991 Legislature on its strategy for persuading PATA to move its headquarters to Hawaii.

Your Committees received testimony in support of the measure from the Department of Business and Economic Development and the Hawaii Hotel Association.

Your Committees find that PATA's relocation to Hawaii would greatly benefit both parties. Hawaii's central location and cultural ties to the Pacific/Asia region and strong visitor industry would better serve the needs of PATA, and the presence of PATA would enhance Hawaii's stature as a travel destination.

Your Committees on Tourism and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 47 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1231-90 Tourism and Intergovernmental Relations and International Affairs on H.C.R. No. 105

The purpose of the concurrent resolution is to have the Pacific Asia Travel Association (PATA) relocate its principal business office from San Francisco to Hawaii. The concurrent resolution requests that the Department of Business and Economic Development report to the 1991 Legislature on its strategy for persuading PATA to move its headquarters to Hawaii.

Your Committees received testimony in support of the measure from the Department of Business and Economic Development and the Hawaii Hotel Association.

Your Committees find that PATA's relocation to Hawaii would greatly benefit both parties. Hawaii's central location and cultural ties to the Pacific/Asia region and strong visitor industry would better serve the needs of PATA, and the presence of PATA would enhance Hawaii's stature as a travel destination.

Your Committees on Tourism and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 47 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1232-90 Tourism and Intergovernmental Relations and International Affairs on H.R. No. 88

The purpose of this resolution is to ensure that the State of Hawaii receive adequate recognition as part of the United States by requesting that Hawaii's congressional delegation ensure that the State of Hawaii is included on maps displayed by U.S. organizations located in foreign countries, such as the U.S. Travel and Tourism Administration, which provides travel information on destinations in the United States.

Your Committees received testimony in support of the measure from the Hawaii Hotel Association.

Your Committees find that Hawaii's growing economic reliance on international travel requires that Hawaii be included on all maps of the United States, especially on maps displayed by the USTTA, which provides information to prospective travellers.

Your Committees on Tourism and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 88 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1233-90 Tourism and Intergovernmental Relations and International Affairs on H.C.R. No. 74

The purpose of this concurrent resolution is to ensure that the State of Hawaii receive adequate recognition as part of the United States by requesting that Hawaii's congressional delegation ensure that the State of Hawaii is included on maps displayed by U.S. organizations located in foreign countries, such as the U.S. Travel and Tourism Administration, which provides travel information on destinations in the United States.

Your Committees received testimony in support of the measure from the Hawaii Hotel Association.

Your Committees find that Hawaii's growing economic reliance on international travel requires that Hawaii be included on all maps of the United States, especially on maps displayed by the USTTA, which provides information to prospective travellers.

Your Committees on Tourism and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 88 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1234-90 Planning, Energy and Environmental Protection on H.R. No. 285

The purpose of this resolution is to request the Hazardous Waste Branch of the Department of Health to study the feasibility of establishing an ongoing statewide household and agricultural hazardous waste collection program.

Your Committee finds that while the generation of household and agricultural hazardous wastes continues to increase each year, there are no hazardous waste disposal facilities in the State. Therefore, it is critical that the problem of proper hazardous waste disposal is immediately addressed.

Past household and agricultural hazardous waste collection projects performed by the Department of Health have been very successful. For example, almost 1,000 persons participated in the 1989 program, and the Department of Health continues to receive calls from those seeking assistance in the disposal of their unwanted products in a safe and responsible manner.

Your Committee finds that the public would be willing to participate in an ongoing statewide program of this kind and that this would promote public awareness of the importance of protecting Hawaii's environment.

Your Committee on Planning, Energy and Environmental Protection is in accord with the intent and purpose of H.R. No. 285 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1235-90 Planning, Energy and Environmental Protection on H.C.R. No. 272

The purpose of this concurrent resolution is to request the Hazardous Waste Branch of the Department of Health to study the feasibility of establishing an ongoing statewide household and agricultural hazardous waste collection program.

Your Committee finds that while the generation of household and agricultural hazardous wastes continues to increase each year, there are no hazardous waste disposal facilities in the State. Therefore, it is critical that the problem of proper hazardous waste disposal is immediately addressed.

Past household and agricultural hazardous waste collection projects performed by the Department of Health have been very successful. For example, almost 1,000 persons participated in the 1989 program, and the Department of Health continues to receive calls from those seeking assistance in the disposal of their unwanted products in a safe and responsible manner.

Your Committee finds that the public would be willing to participate in an ongoing statewide program of this kind and that this would promote public awareness of the importance of protecting Hawaii's environment.

Your Committee on Planning, Energy and Environmental Protection is in accord with the intent and purpose of H.C.R. No. 272 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1236-90 Planning, Energy and Environmental Protection and Ocean and Marine Resources on H.R. No. 203

The purpose of this resolution is to request the Department of Land and Natural Resources to establish rules and regulations to ban the feeding of fish in marine sanctuaries.

Your Committees find that as a result of a vigorous tourist economy, human contact with aquatic wildlife has increased significantly over the past decade. Increased human contact may result in the destruction of coral reefs, the destruction of the marine food web, and the displacement of certain fish species by other species better able to adapt to artificial feeding.

For example, in 1989, the water safety officers stationed at Hanauma Bay reported 17,764 incidents requiring minor first aid to which a large percentage was attributed to the feeding of fish. The Department of Land and Natural Resources testified that as a result of fish feeding, many people have been bitten by moray eels and other species of fish capable of inflicting painful wounds.

Your Committees find that this measure is necessary to provide greater protection to natural reef ecosystems, marine wildlife, and the public.

Your Committees on Planning, Energy and Environmental Protection and Ocean and Marine Resources are in accord with the intent and purpose of H.R. No. 203 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1237-90 Planning, Energy and Environmental Protection and Ocean and Marine Resources on H.C.R. No. 190

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to establish rules and regulations to ban the feeding of fish in marine sanctuaries.

Your Committees find that as a result of a vigorous tourist economy, human contact with aquatic wildlife has increased significantly over the past decade. Increased human contact may result in the destruction of coral reefs, the destruction of the marine food web, and the displacement of certain fish species by other species better able to adapt to artificial feeding.

For example, in 1989, the water safety officers stationed at Hanauma Bay reported 17,764 incidents requiring minor first aid to which a large percentage was attributed to the feeding of fish. The Department of Land and Natural Resources testified that as a result of fish feeding, many people have been bitten by moray eels and other species of fish capable of inflicting painful wounds.

Your Committees find that this measure is necessary to provide greater protection to natural reef ecosystems, marine wildlife, and the public.

Your Committees on Planning, Energy and Environmental Protection and Ocean and Marine Resources are in accord with the intent and purpose of H.C.R. No. 190 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1238-90 Ocean and Marine Resources on H.R. No. 108

The purpose of this resolution is to ensure the wise management of ocean resources and activities in the State by requesting the Hawaii Ocean and Marine Resources Council to consider the need for establishing a new Department of Ocean and Marine Resources.

Your Committee recognizes that various ocean-related activities, such as harbors, aquaculture, marine life conservation, fishing rights, and ocean mining, are currently assigned to different State agencies. One result of such a decentralized organizational structure is confusion over roles and responsibilities by ocean users. Accordingly, certain measures, including this resolution, were introduced this session to address this concern, among them, H.B. No. 2265. This particular bill proposed to transfer the enforcement functions of the Department of Transportation's (DOT) Boating Branch relating to boating as well as ocean recreation activities to the Department of Land and Natural Resources (DLNR).

Your Committee received supporting testimony from the Department of Business and Economic Development (DBED) and The Ocean and Recreation Council of Hawaii. DBED pointed out that, given the short period between the end of the legislative session and the requested due date of the report, it may only be possible for the Hawaii Ocean and Marine Resources Council to develop preliminary recommendations.

Upon further consideration, your Committee has amended this resolution by:

- (1) Inserting a new BE IT FURTHER RESOLVED clause requesting that the Hawaii Ocean and Marine Resources Council, as part of its study of different organizational structures, evaluate the feasibility of the proposed transfer of enforcement functions between DOT and DLNR as spelled out in H.B. No. 2265, H.D. 1; and
- (2) Making technical, nonsubstantive amendments for the purposes of style and clarity.

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

Signed by all members of the Committee.

SCRep. 1239-90 Ocean and Marine Resources on H.C.R. No. 96

The purpose of this concurrent resolution is to ensure the wise management of ocean resources and activities in the State by requesting the Hawaii Ocean and Marine Resources Council to consider the need for establishing a new Department of Ocean and Marine Resources.

Your Committee recognizes that various ocean-related activities, such as harbors, aquaculture, marine life conservation, fishing rights, and ocean mining, are currently assigned to different State agencies. One result of such a decentralized organizational structure is confusion over roles and responsibilities by ocean users. Accordingly, certain measures, including this concurrent resolution, were introduced this session to address this concern, among them, H.B. No. 2265. This particular bill proposed to transfer the enforcement functions of the Department of Transportation's (DOT) Boating Branch relating to boating as well as ocean recreation activities to the Department of Land and Natural Resources (DLNR).

Your Committee received supporting testimony from the Department of Business and Economic Development (DBED) and The Ocean and Recreation Council of Hawaii. DBED pointed out that, given the short period between the end of the legislative session and the requested due date of the report, it may only be possible for the Hawaii Ocean and Marine Resources Council to develop preliminary recommendations.

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

- (1) Inserting a new BE IT FURTHER RESOLVED clause requesting that the Hawaii Ocean and Marine Resources Council, as part of its study of different organizational structures, evaluate the feasibility of the proposed transfer of enforcement functions between DOT and DLNR as spelled out in H.B. No. 2265, H.D. 1; and
- (2) Making technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 96, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 96, H.D. 1.

Signed by all members of the Committee.

SCRep. 1240-90 Ocean and Marine Resources on H.R. No. 101

The purpose of this resolution is to request the Department of Transportation to improve and permanently designate an area for competition water skiing at Keehi Lagoon.

Your Committee received testimony in support of this resolution from the Department of Transportation, the Office of State Planning, and members of the Committee on Water Skiers for a New Keehi Lagoon, Na Alii Water Ski Club and Oahu Water Ski Club.

Your Committee finds that there are very few suitable water skiing sites on Oahu. The area west of the berm at Keehi Lagoon would offer such a suitable site (i.e. smooth water conditions and prevailing trade winds) for water skiing training, competition and recreation. This is also in line with the State's Waterfront Master Plan as well as being consistent with the Department of Transportation's Keehi Lagoon Recreation Plan which designates the area as a competition water ski course.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 101 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1241-90 Ocean and Marine Resources on H.C.R. No. 87

The purpose of this concurrent resolution is to request the Department of Transportation to improve and permanently designate an area for competition water skiing at Keehi Lagoon.

Your Committee received testimony in support of this concurrent resolution from the Department of Transportation, the Office of State Planning, and members of the Committee on Water Skiers for a New Keehi Lagoon, Na Alii Water Ski Club and Oahu Water Ski Club.

Your Committee finds that there are very few suitable water skiing sites on Oahu. The area west of the berm at Keehi Lagoon would offer such a suitable site (i.e. smooth water conditions and prevailing trade winds) for water skiing training, competition and recreation. This is also in line with the State's Waterfront Master Plan as well as being consistent with the Department of Transportation's Keehi Lagoon Recreation Plan which designates the area as a competition water ski course.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 87 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1242-90 Housing on H.C.R. No. 133

The purpose of this concurrent resolution is to request the Housing Finance and Development Corporation and the Office of State Planning to examine the feasibility of constructing affordable housing at certain sites within Honolulu's primary urban center.

Your Committee received testimony in support of this concurrent resolution from the Housing Finance and Development Corporation.

While the Building Industry Association of Hawaii supported the intent of the concurrent resolution, it questioned whether there might be problems with the high value of land in the primary urban center and whether some of the named sites may have already been designated for certain uses.

Your Committee received testimony from the Honolulu Academy of Arts which pointed out that in 1986 the Academy received a 55-year lease from the State of Hawaii for renovation and development of the Linekona School site. The Academy testified that an education center and parking facilities have already been completed at the site at a total cost of \$4.5 million.

Based on the foregoing testimony, your Committee has amended the concurrent resolution by excluding the Linekona School site from the proposed feasibility study.

Your Committee on Housing 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.

SCRep. 1243-90 Housing on H.R. No. 65

The purpose of this resolution is to request the Housing Finance and Development Corporation to determine the impact of inexpensive mortgage funds on the rate of self-help housing construction and the extent to which the State can make these inexpensive mortgages available.

Your Committee finds that assisting families and households in the building of their own homes would help to reduce the housing shortage. The availability of inexpensive mortgage funds for this purpose may encourage more families to engage in such self-help endeavors.

The Housing Finance and Development Corporation (HFDC) submitted testimony in support of this resolution raising some valid subsidiary issues.

Based on the foregoing testimony, your Committee has amended the resolution by directing that the proposed study focus on low interest financing rather than inexpensive mortgage funds. Accordingly, your Committee has made the following specific amendments:

- (1) Changed the title to read: "Requesting the Housing Finance and Development Corporation to Determine the Impact of Low Interest Financing on Self-Help Housing";
- (2) Directed that the HFDC study "low interest land loans, low interest interim construction financing, and low interest mortgage funds" rather than "inexpensive mortgage funds"; and
- (3) Made technical, nonsubstantive amendments for the purposes of style and clarity.

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

Signed by all members of the Committee except Representative Metcalf.

SCRep. 1244-90 Housing on H.C.R. No. 55

The purpose of this concurrent resolution is to request the Housing Finance and Development Corporation to determine the impact of inexpensive mortgage funds on the rate of self-help housing construction and the extent to which the State can make these inexpensive mortgages available.

Your Committee finds that assisting families and households in the building of their own homes would help to reduce the housing shortage. The availability of inexpensive mortgage funds for this purpose may encourage more families to engage in such self-help endeavors.

The Housing Finance and Development Corporation (HFDC) submitted testimony in support of this concurrent resolution raising some valid subsidiary issues.

Based on the foregoing testimony, your Committee has amended the concurrent resolution by directing that the proposed study focus on low interest financing rather than inexpensive mortgage funds. Accordingly, your Committee has made the following specific amendments:

- (1) Changed the title to read: "Requesting the Housing Finance and Development Corporation to Determine the Impact of Low Interest Financing on Self-Help Housing";
- (2) Directed that the HFDC study "low interest land loans, low interest interim construction financing, and low interest mortgage funds" rather than "inexpensive mortgage funds"; and
- (3) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Housing is in accord with the intent and purpose of H.C.R. No. 55, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 55, H.D. 1.

Signed by all members of the Committee.

SCRep. 1245-90 Education on H.R. No. 89

The purpose of this resolution is to request that the Department of Education conduct a study on the short and long-term cost and effect of designing, constructing, and installing walls or other types of room dividers to properly reconfigure the former "3 on 2" program classrooms.

Testimony submitted by the Department of Education and the Hawaii State Teachers Association supported this measure.

Your Committee has amended this resolution to request that an estimated timetable be included in the plan.

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

Signed by all members of the Committee.

SCRep. 1246-90 Education on H.C.R. No. 75

The purpose of this concurrent resolution is to request that the Department of Education conduct a study on the short and long-term cost and effect of designing, constructing, and installing walls or other types of room dividers to properly reconfigure the former "3 on 2" program classrooms.

Testimony submitted by the Department of Education and the Hawaii State Teachers Association supported this measure.

Your Committee has amended this resolution to request that an estimated timetable be included in the plan.

Your Committee on Education concurs 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 Committee.

SCRep. 1247-90 Education on H.R. No. 129

The purpose of this resolution is to request the Department of Education to describe its long-range plans to reduce class size in grades K-12 and a full range of alternative scenarios with respect to class size reduction.

Testimony submitted by the Department of Education and the Hawaii State Teachers Association supported this measure.

Your Committee has amended this resolution to request the Department of Education to include a report on the effect of class size reduction on the need for new or renovated school facilities.

Your Committee on Education concurs with the intent and purpose of H.R. No. 129, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 129, H.D. 1.

Signed by all members of the Committee.

SCRep. 1248-90 Education on H.R. No. 128

The purpose of this resolution is to request the Department of Education to prepare a plan for career and vocational education with an emphasis on agriculture, business education and automotive mechanics.

Testimony submitted by the Department of Education supported the intent of the measure but noted that it was unnecessary because there are several comprehensive plans concerning career and vocational education in Hawaii already in existence. The State Commission on Employment and Human Resources testified against the measure, particularly for a plan for vocational education.

Your Committee finds that none of the existing plans are comprehensive enough to assure a career and vocational education program "second to none."

Your Committee has amended this measure by:

- (1) Revising the title to include the Department of Labor and Industrial Relations in the preparation of a comprehensive plan for career and vocational education;
- (2) Changing the thrust of the measure to emphasize all career and vocational education programs; and
- (3) Requesting that the plan include a definition of career education and vocational education and a detailed account of funding needs.

Your Committee on Education 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. 1249-90 Education on H.C.R. No. 116

The purpose of this concurrent resolution is to request the Department of Education to prepare a plan for career and vocational education with an emphasis on agriculture, business education and automotive mechanics.

Testimony submitted by the Department of Education supported the intent of the measure but noted that it was unnecessary because there are several comprehensive plans concerning career and vocational education in Hawaii already in existence. The State Commission on Employment and Human Resources testified against the measure, particularly for a plan for vocational education.

Your Committee finds that none of the existing plans are comprehensive enough to assure a career and vocational education program "second to none."

Your Committee has amended this measure by:

- (1) Revising the title to include the Department of Labor and Industrial Relations in the preparation of a comprehensive plan for career and vocational education;
- (2) Changing the thrust of the measure to emphasize all career and vocational education programs; and

- (3) Requesting that the plan include a definition of career education and vocational education and a detailed account of funding needs.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 116, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 116, H.D. 1.

Signed by all members of the Committee.

SCRep. 1250-90 Finance on H.R. No. 306

The purpose of this resolution is to request the Department of Taxation (DOTAX) to study the feasibility of implementing simplified Hawaii income tax return forms designed to incorporate a copy of the taxpayer's federal return.

Your Committee finds that the increasing length and complexity of state income tax return forms impose substantial burdens on both the taxpayer and the State, as well as delays in returns, which emphasizes the inefficiency of the current state income tax system. In its report dated December 1, 1989, DOTAX recommended that due to the similarity of the information required by both current state and federal forms, one-to-two page individual and corporate state income tax return forms to which a copy of the taxpayer's federal income tax return forms would be attached, should be developed to reduce the redundancy and complexity of state income tax return forms.

Thirty-two of the forty-one states having state income tax currently use one- or two- page "piggyback" income tax return forms that incorporate a copy of taxpayer's federal returns and require only that additional information as is necessary for state tax purposes.

Supportive testimony was submitted by the Hawaii Society of Certified Public Accountants (HSCPA). The testimony of the HSCPA pointed out that simplified income tax return forms would:

- (1) Reduce the number of errors made by taxpayers;
- (2) Improve State cash flow by reducing the number of people who fail to file;
- (3) Shift some of the operational costs of the State tax systems to the federal government; and
- (4) Facilitate cooperation between State and federal tax officials.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 306 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1251-90 Finance on H.C.R. No. 294

The purpose of this concurrent resolution is to request the Department of Taxation (DOTAX) to study the feasibility of implementing simplified Hawaii income tax return forms designed to incorporate a copy of the taxpayer's federal return.

Your Committee finds that the increasing length and complexity of state income tax return forms impose substantial burdens on both the taxpayer and the State, as well as delays in returns, which emphasizes the inefficiency of the current state income tax system. In its report dated December 1, 1989, DOTAX recommended that due to the similarity of the information required by both current state and federal forms, one-to-two page individual and corporate state income tax return forms to which a copy of the taxpayer's federal income tax return forms would be attached, should be developed to reduce the redundancy and complexity of state income tax return forms.

Thirty-two of the forty-one states having state income tax currently use one- or two- page "piggyback" income tax return forms that incorporate a copy of taxpayer's federal returns and require only that additional information as is necessary for state tax purposes.

Supportive testimony was submitted by the Hawaii Society of Certified Public Accountants (HSCPA). The testimony of the HSCPA pointed out that simplified income tax return forms would:

- (1) Reduce the number of errors made by taxpayers;
- (2) Improve State cash flow by reducing the number of people who fail to file;
- (3) Shift some of the operational costs of the State tax systems to the federal government; and
- (4) Facilitate cooperation between State and federal tax officials.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 294 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1252-90 Finance on H.R. No. 273

The purpose of this resolution is to request the Governor to declare those regions of the Island of Hawaii inundated by volcanic eruption as a disaster area to expedite the passage of state funds to the victims of volcanic eruptions.

Your Committee finds that although the molten lava flow has persisted as a slow, insidious threat to the community of Kalapana, District of Puna, the present situation has the potential to result in a natural disaster of such magnitude that would necessitate the immediate use of state disaster resources.

The State Department of Defense submitted testimony which defined situations warranting a state disaster declaration. The Department added that the civil defense system is constantly reassessing the changing conditions of volcanic activity to determine whether a state disaster declaration should be issued.

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

Your Committee on Finance concurs with the intent and purpose of H.R. No. 273, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 273, H.D. 1.

Signed by all members of the Committee.

SCRep. 1253-90 Finance on H.C.R. No. 260

The purpose of this concurrent resolution is to request the Governor to declare those regions of the Island of Hawaii inundated by volcanic eruption as a disaster area to expedite the passage of state funds to the victims of volcanic eruptions.

Your Committee finds that although the molten lava flow has persisted as a slow, insidious threat to the community of Kalapana, District of Puna, the present situation has the potential to result in a natural disaster of such magnitude that would necessitate the immediate use of state disaster resources.

The State Department of Defense submitted testimony which defined situations warranting a state disaster declaration. The Department added that the civil defense system is constantly reassessing the changing conditions of volcanic activity to determine whether a state disaster declaration should be issued.

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

Your Committee on Finance is in accord with the intent and purpose of H.C.R. No. 260, and recommends its adoption in this form attached hereto as H.C.R. No. 260, H.D. 1

Signed by all members of the Committee.

SCRep. 1254-90 Finance on H.R. No. 227

The purpose of this resolution is to request the Department of Accounting and General Services (DAGS) to review specification standards for construction contracting and to incorporate modern materials and construction procedures resulting in cost savings and the extended life of facilities created by capital improvement project funds.

The process of soliciting competitive bids for construction contracts necessitates the use of specification standards of materials by DAGS in defining the scope of a proposed project to prospective contractors. Because the implementation of newer technologies within the construction industry has facilitated the creation of improved materials and processes which increase the efficiency and durability of edifices while lowering maintenance costs, the integration of newer, state-of-the-art materials in construction specification standards is essential to the development of cost-effective State building projects.

Your Committee requested DAGS to consult the Pacific International Center for High Technology Research (PICHTR) for current information concerning materials and technological procedures to be use in construction projects.

Testimony submitted by DAGS indicated that PICHTR is currently involved only in Ocean Thermal Energy Conversion (OTEC) projects and is not evaluating construction materials at this time.

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

Your Committee on Finance concurs with the intent and purpose of H.R. No. 227, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 227, H.D. 1.

Signed by all members of the Committee.

SCRep. 1255-90 Finance on H.C.R. No. 213

The purpose of this concurrent resolution is to request the Department of Accounting and General Services (DAGS) to review specification standards for construction contracting, and to incorporate modern materials and construction procedures resulting in cost savings and the extended life of facilities created by capital improvement project funds.

The process of soliciting competitive bids for construction contracts necessitates the use of specification standards of materials by DAGS in defining the scope of a proposed project to prospective contractors. Because the implementation of

newer technologies within the construction industry has facilitated the creation of improved materials and processes which increase the efficiency and durability of edifices while lowering maintenance costs, the integration of newer, state-of-the-art materials in construction specification standards is essential to the development of cost-effective State building projects.

Your Committee requests DAGS to consult the Pacific International Center for High Technology Research (PICHTR) for current information concerning materials and technological procedures to be used in construction projects.

Testimony submitted by DAGS indicated that PICHTR is currently involved only in Ocean Thermal Energy Conversion (OTEC) projects and is not evaluating construction materials at this time.

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

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 213, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 213, H.D. 1.

Signed by all members of the Committee.

SCRep. 1256-90 Finance on H.R. No. 40

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 state facilities to properly protect the health and safety of state employees and the public.

Your Committee finds that because maintenance is most often facilitated by reports of safety hazards, state workers frequently work under potentially dangerous conditions while state buildings are repaired or reconditioned. A systematic repair and maintenance program similar to that developed for the public school system would drastically improve the physical condition of state facilities and increase the morale of state employees.

The Department of Accounting and General Services (DAGS) and the Representative of the thirty-third district submitted testimony in support of this measure. The testimony of DAGS recommended that their involvement in the development of a systematic maintenance plan should be limited to only those state facilities under their control.

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

Your Committee on Finance concurs with the intent and purpose of H.R. No. 40, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 40, H.D. 1.

Signed by all members of the Committee.

SCRep. 1257-90 Finance on H.C.R. No. 32

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 state facilities to properly protect the health and safety of state employees and the public.

Your Committee finds that because maintenance is most often facilitated by reports of safety hazards, state workers frequently work under potentially dangerous conditions while state buildings are repaired or reconditioned. A systematic repair and maintenance program similar to that developed for the public school system would drastically improve the physical condition of state facilities and increase the morale of state employees.

The Department of Accounting and General Services (DAGS) and the Representative from the thirty-third district submitted testimony in support of this measure. The testimony of DAGS recommended that their involvement in the development of a systematic maintenance plan should be limited to only those state facilities under their control.

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

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 32, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 32, H.D. 1.

Signed by all members of the Committee.

SCRep. 1258-90 Housing on H.C.R. No. 163

The purpose of this concurrent resolution is to encourage the real estate industry to fully utilize and disseminate the leasehold information brochure currently being prepared by the Housing Finance and Development Corporation.

Your Committee received testimony in support of this concurrent resolution from the Housing Finance and Development Corporation (HFDC). However, the HFDC recommended that the first five paragraphs of the concurrent resolution be deleted.

Kamehameha Schools/Bernice Pauahi Bishop Estate and representatives of a number of small landowners submitted testimony concurring with the amendments proposed by the HFDC.

The Real Estate Commission submitted testimony indicating concern about the administrative burden and costs attendant to reproducing and distributing the brochure. A considerable number of brochures would be required and the Commission has no funds for continuous reprinting. The Commission recommended that graphic masters be made of the brochure and glossary to be distributed to all Boards of Realtors on Oahu and the Neighbor Islands, the Hawaii Association of Realtors, the Real Estate Commission, the HFDC, and other interested parties. These organizations would be able to loan the graphic master to anyone in need of a large quantity of brochures. The Commission also recommended setting up a centralized information system to handle inquiries arising from the brochures.

Your Committee suggested that HFDC make the brochure concise so as to diminish reading time as well as printing costs. Your Committee also recommended that HFDC make every effort to follow these requests.

Your Committee has amended the concurrent resolution as follows:

- (1) Deleted the first five paragraphs;
- (2) Deleted all references to the "hazards" or "dangers" of buying leasehold property; and
- (3) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 163, as amended herein, and recommends that it be referred to the Committee on Consumer Protection and Commerce in the form attached hereto as H.C.R. No. 163, H.D. 1.

Signed by all members of the Committee.

SCRep. 1259-90 Planning, Energy and Environmental Protection on H.C.R. No. 270

The purpose of this concurrent resolution is to request the Office of the Legislative Auditor to perform a program and financial audit of the Office of Environmental Quality Control.

The Office of Environmental Quality Control was established in the 1970's to assist in the administration of the environmental impact statement law and to act as the state coordinator on matters regarding environmental quality.

Your Committee finds that public concerns have been raised with regard to the Office's performance of its mandated duties and its involvement in affairs not explicitly specified within the responsibilities it has been delegated under the law.

The Conservation Council of Hawaii, Hawaii's 1000 Friends, and the Life of the Land submitted testimony in support of this measure. Those testifying expressed disappointment and serious concern because this Office currently is not fulfilling the purposes for which it was created.

Your Committee is particularly disturbed by the Office of Environmental Quality Control's failure to present written testimony on this measure. This lack of interest and participation on the part of this Office further underscores the need for a program and financial audit.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 270 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1260-90 Planning, Energy and Environmental Protection on H.C.R. No. 271

The purpose of this concurrent resolution is to request the Office of the Legislative Auditor to perform a program audit of the Energy Division of the Department of Business and Economic Development.

Your Committee hopes that this program audit will disclose the use and disposition of federal funds appropriated under the federal Petroleum Overcharge Distribution and Restitution Act of 1986 and reveal whether the use and disposition of the funds meet federal requirements. The federal Petroleum Overcharge Distribution and Restitution Act of 1986 established procedures for the distribution of oil overcharge funds collected by the United States Department of Energy to the states to support energy conservation programs.

Your Committee finds that a program audit is necessary because although the Energy Division of the Department of Business and Economic Development received substantial sums of money from the federal government for several years, the Legislature has not been able to determine the actual amount received and the purposes for which the moneys have been expended.

Your Committee on Planning, Energy and Environmental Protection is in accord with the intent and purpose of H.C.R. No. 271 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1261-90 Education on H.R. No. 246

The purpose of this resolution is to request the Legislative Auditor to conduct a study regarding the feasibility of offering the option to job sharing teachers near retirement in the Department of Education to contribute an amount to the retirement system based on their full-time salary, then receive a full year's credit toward retirement, and have their retirement benefits computed on the basis of their full-time salary.

Testimony submitted by the Department of Education, the Hawaii State Teachers Association and others supported this measure.

Your Committee on Education concurs with the intent and purpose of H.R. No. 246 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1262-90 Education on H.C.R. No. 232

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a study regarding the feasibility of offering the option to job sharing teachers near retirement in the Department of Education to contribute an amount to the retirement system based on their full-time salary, then receive a full year's credit toward retirement, and have their retirement benefits computed on the basis of their full-time salary.

Testimony submitted by the Department of Education, the Hawaii State Teachers Association and others supported this measure.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 232 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1263-90 Education on H.R. No. 251

The purpose of this resolution is to request that the Legislative Auditor conduct a review of resource authorizations for the public education program and other programs which support it, relative to comparable data on other state and school district education funding levels.

Testimony submitted by the Department of Education endorsed this measure.

Your Committee on Education concurs with the intent and purpose of H.R. No. 251 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1264-90 Education on H.C.R. No. 237

The purpose of this concurrent resolution is to request that the Legislative Auditor conduct a review of resource authorizations for the public education program and other programs which support it, relative to comparable data on other state and school district education funding levels.

Testimony submitted by the Department of Education endorsed this measure.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 237 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1265-90 Health on H.R. No. 318

The purpose of this resolution is to request the Department of Health to develop a substance abuse education and awareness program for all state departments and agencies.

Substance abuse is on the rise not only nationwide but in the State of Hawaii. Traditionally substance abuse has been a major problem for the health and human service professionals. Business leaders have begun to recognize it as one of their own problems with a myriad of effects experienced at the workplace. The State of Hawaii as one of the largest employers in the State is demonstrating a concern for its employees by developing a substance abuse education program.

Your Committee heard testimony from the Department of Health and the Department of Personnel Services, State of Hawaii, indicating that a Drug Free Workplace Program for civil service employees of the Executive Branch is already being provided by the Castle Medical Centers Work Well Hawaii Program.

Your Committee finds it unacceptable that at the present rate of training with the current program and plan it would take over 6 years to reach all state employees. Further, it was also found that there is a lack of classroom space at the Department of Personnel Services and spaces at the worksite were not being utilized, thus making it difficult to schedule adequate numbers of employees in a timely fashion.

Your Committee has amended this resolution in an effort to strengthen its intent. The Department of Personnel Services is requested that by July 1, 1990 they would have documented a plan indicating the strategy for ensuring that all state employees receive the Drug Free Workplace course by the end of 1991. This plan would continue to keep the supervisory groups small to allow in-depth training. Your Committee finds that the Department of Personnel Services is best able to determine the level of education needed by supervisors and employees. Your Committee has requested that this plan also include the funds needed in the budget for the next fiscal year to allow adequate planning time for the 1990-1991 Legislative session. Your Committee has also requested that this plan be submitted to the Legislature no later than July 1, 1990.

Your Committee on Health concurs with the intent and purpose of H.R. No. 318, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.R. No. 318, H.D. 1.

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

SCRep. 1266-90 Health on H.C.R. No. 305

The purpose of this concurrent resolution is to request the Department of Health to develop a substance abuse education and awareness program for all state departments and agencies.

Substance abuse is on the rise not only nationwide but in the State of Hawaii. Traditionally substance abuse has been a major problem for the health and human service professionals. Business leaders have begun to recognize it as one of their own problems with a myriad of effects experienced at the workplace. The State of Hawaii as one of the largest employers in the State is demonstrating a concern for its employees by developing a substance abuse education program.

Your Committee heard testimony from the Department of Health and the Department of Personnel Services, State of Hawaii, indicating that a Drug Free Workplace Program for civil service employees of the Executive Branch is already being provided by the Castle Medical Centers Work Well Hawaii Program.

Your Committee finds it unacceptable that at the present rate of training with the current program and plan it would take over 6 years to reach all state employees. Further, it was also found that there is a lack of classroom space at the Department of Personnel Services and spaces at the worksite were not being utilized, thus making it difficult to schedule adequate numbers of employees in a timely fashion.

Your Committee has amended this concurrent resolution in an effort to strengthen its intent. The Department of Personnel Services is requested that by July 1, 1990 they would have documented a plan indicating the strategy for ensuring that all state employees receive the Drug Free Workplace course by the end of 1991. This plan would continue to keep the supervisory groups small to allow in-depth training. Your Committee finds that the Department of Personnel Services is best able to determine the level of education needed by supervisors and employees. Your Committee has requested that this plan also include the funds needed in the budget for the next fiscal year to allow adequate planning time for the 1990-1991 Legislative session. Your Committee has also requested that this plan be submitted to the Legislature no later than July 1, 1990.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 305, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.C.R. No. 305, H.D. 1.

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

SCRep. 1267-90 Transportation on H.R. No. 146

The purpose of this resolution is to request the Legislative Reference Bureau to assess the feasibility of creating a State Bicycle Coordinator within the Department of Transportation.

Your Committee received testimony from the Department of Transportation and several concerned citizens.

Your Committee finds that bicycles are an efficient means of transportation and represents a viable commuting alternative for many people. Your Committee also finds that a State Bicycle Coordinator may effectively coordinate bicycle transportation plans with other governmental agencies.

Your Committee has amended this resolution by broadening the scope of the study to include a determination of which state agency or department the State Bicycle Coordinator position should be situated in.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 146, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 146, H.D. 1.

Signed by all members of the Committee.

SCRep. 1268-90 Transportation on H.C.R. No. 132

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to assess the feasibility of creating a State Bicycle Coordinator within the Department of Transportation.

Your Committee received testimony from the Department of Transportation and several concerned citizens.

Your Committee finds that bicycles are an efficient means of transportation and represents a viable commuting alternative for many people. Your Committee also finds that a State Bicycle Coordinator may effectively coordinate bicycle transportation plans with other governmental agencies.

Your Committee has amended this concurrent resolution by broadening the scope of the study to include a determination of which state agency or department the State Bicycle Coordinator position should be situated in.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 132, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 132, H.D. 1.

Signed by all members of the Committee.

SCRep. 1269-90 Transportation on H.R. No. 77

The purpose of this resolution is to request that the Legislative Reference Bureau conduct a study to determine the availability and feasibility of obtaining a site of at least 18 acres at Dillingham Airfield, to be used by the Hawaiian Historical Aviation Foundation for the purposes of their aviation museum.

Your Committee received testimony on this measure from the Department of Education, the Hawaiian Historical Aviation Foundation, and several concerned citizens.

Your Committee finds that Hawaii has a rich aviation history and understands that the Hawaiian Historical Aviation Foundation was established to preserve that history. Your Committee further finds that the Foundation proposes to expose Hawaii's aviation history and other fascinating aspects of aeronautics to Hawaii's citizens with a new aviation museum and hands on training programs. Your Committee further finds that Dillingham Airfield on Oahu's north shore would serve as an excellent prospective location for such an aviation museum and finds that the Legislative Reference Bureau should study the feasibility of establishing the proposed project in conjunction with the Hawaiian Historical Aviation Foundation.

Your Committee has made a technical, non-substantive amendment for the purpose of clarity and style.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 77, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 77, H.D. 1.

Signed by all members of the Committee except Representatives Hirayama and Horita.

SCRep. 1270-90

The purpose of this concurrent resolution is to request that the Legislative Reference Bureau conduct a study to determine the availability and feasibility of obtaining a site of at least 18 acres at Dillingham Airfield, to be used by the Hawaiian Historical Aviation Foundation for the purposes of their aviation museum.

Your Committee received testimony on this measure from the Department of Education, the Hawaiian Historical Aviation Foundation, and several concerned citizens.

Your Committee finds that Hawaii has a rich aviation history and understands that the Hawaiian Historical Aviation Foundation was established to preserve that history. Your Committee further finds that the Foundation proposes to expose Hawaii's aviation history and other fascinating aspects of aeronautics to Hawaii's citizens with a new aviation museum and hands on training programs. Your Committee further finds that Dillingham Airfield on Oahu's north shore would serve as an excellent prospective location for such an aviation museum and finds that the Legislative Reference Bureau should study the feasibility of establishing the proposed project in conjunction with the Hawaiian Historical Aviation Foundation.

Your Committee has made a technical, non-substantive amendment for the purpose of clarity and style.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 67, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. 67, H.D. 1.

Signed by all members of the Committee except Representatives Hirayama and Horita.

SCRep. 1271-90 Education on H.R. No. 250

The purpose of this resolution, as received by your Committee, is to request a management audit of the Department of Education (DOE).

Testimony supporting the intent of this measure was submitted by the DOE and a private citizen. The DOE, however, requested that the audit be delayed until the implementation of the school/community-based management program is completed.

Your Committee, therefore, has amended this measure by:

- (1) Amending the title to request a status report of the Department of Education;
- (2) Deleting the request for a management audit by the Legislative Auditor;
- (3) Requesting that the Board of Education conduct a comprehensive overview of the DOE which includes a list of the Superintendent's accomplishments over the past three years, and develop a plan that projects the future direction of the DOE, including an implementation timetable and appropriate cost analysis; and
- (4) Making technical, nonsubstantive revisions for purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.R. No. 250, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 250, H.D. 1.

Signed by all members of the Committee.

SCRep. 1272-90 Education on H.C.R. No. 236

The purpose of this concurrent resolution, as received by your Committee, is to request a management audit of the Department of Education (DOE).

Testimony supporting the intent of this measure was submitted by the DOE and a private citizen. The DOE, however, requested that the audit be delayed until the implementation of the school/community-based management program is completed.

Your Committee, therefore, has amended this measure by:

- (1) Amending the title to request a status report of the Department of Education;
- (2) Deleting the request for a management audit by the Legislative Auditor;
- (3) Requesting that the Board of Education conduct a comprehensive overview of the DOE which includes a list of the Superintendent's accomplishments over the past three years, and develop a plan that projects the future direction of the DOE, including an implementation timetable and appropriate cost analysis; and
- (4) Making technical, nonsubstantive revisions for purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 236, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 236, H.D. 1.

Signed by all members of the Committee.

SCRep. 1273-90 Education on H.R. No. 183

The purpose of this resolution is to request that the Governor convene a task force to examine the effectiveness of school advisory councils, including an evaluation of the current statutory objectives of the councils, and to develop a plan to increase their effectiveness and to stimulate and facilitate public input into the public education system.

Testimony submitted by the Department of Education supported the intent of this measure but recommended certain amendments. Others testified in favor of this resolution.

Your Committee has amended this measure by:

- (1) Changing the thrust of the resolution to request the Board of Education (BOE) or an outside agency contracted by the BOE to conduct a formal evaluation to examine the effectiveness of school advisory councils; and
- (2) Requesting that the formal evaluation include an examination of the effectiveness of school advisory councils, an evaluation of the current statutory objectives of the councils, an analysis of the appropriateness of school advisory councils' roles and functions in the light of the current movement toward restructuring or school/community-based management and recommendations to increase the school advisory councils' effectiveness and to stimulate and facilitate public input into the public education system.

Your Committee on Education concurs with the intent and purpose of H.R. No. 183, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 183, H.D. 1.

Signed by all members of the Committee.

SCRep. 1274-90 Education on H.C.R. No. 166

The purpose of this concurrent resolution is to request that the Governor convene a task force to examine the effectiveness of school advisory councils, including an evaluation of the current statutory objectives of the councils, and to develop a plan to increase their effectiveness and to stimulate and facilitate public input into the public education system.

Testimony submitted by the Department of Education supported the intent of this measure but recommended certain amendments. Others testified in favor of this resolution.

Your Committee has amended this measure by:

- (1) Changing the thrust of the resolution to request the Board of Education (BOE) or an outside agency contracted by the BOE to conduct a formal evaluation to examine the effectiveness of school advisory councils; and
- (2) Requesting that the formal evaluation include an examination of the effectiveness of school advisory councils, an evaluation of the current statutory objectives of the councils, an analysis of the appropriateness of school advisory councils' roles and functions in the light of the current movement toward restructuring or school/community-based management and recommendations to increase the school advisory councils' effectiveness and to stimulate and facilitate public input into the public education system.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 166, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 166, H.D. 1.

Signed by all members of the Committee.

SCRep. 1275-90 Higher Education and the Arts on H.R. No. 230

The purpose of this resolution is to request the Legislative Reference Bureau to examine the effects of establishing an Office of Cultural Affairs on State agencies presently administering arts, humanities, preservation, and other related programs.

Currently, the Department of Accounting and General Services (DAGS), Department of Education (DOE), and the Department of Land and Natural Resources (DLNR) coordinate cultural programs and services.

Your Committee believes that the creation of an Office of Cultural Affairs will streamline the coordination of cultural information and services to the public as well as strengthen the role of culture and the arts in the lives of Hawaii's citizens.

Your Committee has amended this resolution by requiring the Legislative Reference Bureau to conduct the study in consultation and coordination with DAGS.

Your Committee on Higher Education and the Arts is in accord with the intent and purpose of H.R. No. 230, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 230, H.D. 1.

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

SCRep. 1276-90 Higher Education and the Arts on H.C.R. No. 216

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to examine the effects of establishing an Office of Cultural Affairs on State agencies presently administering arts, humanities, preservation, and other related programs.

Currently, the Department of Accounting and General Services (DAGS), Department of Education (DOE), and the Department of Land and Natural Resources (DLNR) coordinate cultural programs and services.

Your Committee believes that the creation of an Office of Cultural Affairs will streamline the coordination of cultural information and services to the public as well as strengthen the role of culture and the arts in the lives of Hawaii's citizens.

Your Committee has amended this concurrent resolution by requiring the Legislative Reference Bureau to conduct the study in consultation and coordination with DAGS.

Your Committee on Higher Education and the Arts is in accord with the intent and purpose of H.C.R. No. 216, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 216, H.D. 1.

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

SCRep. 1277-90 Water and Land Use and Agriculture on H.C.R. No. 12

The purpose of this concurrent resolution is to find ways to ensure long-term land tenure for small Kona farmers by investigating the possibility of creating a State agricultural park in the region through a land exchange.

The upper elevations of North and South Kona on the Big Island provide ideal conditions for farming, not so much due to the soil quality but rather due to the unique climatic conditions; ie. the strong sun, the lack of wind, and the afternoon cloud cover that provides crops with moisture and shade.

Kamehameha Schools/Bernice Pauahi Bishop Estate (Bishop Estate) owns approximately 200,000 acres of land in North and South Kona. Currently, there are approximately 500 small farm agricultural leases on some 3,000 acres of Bishop Estate lands in this region. The typical farm is approximately 5 to 10 acres in size, and the average farmer, who lives on the leasehold, grows coffee or macadamia nut trees.

The majority of these agricultural leases were originally 40 to 45 years in length, and most will expire between the years 2000 and 2025. However, in the early 1980's, Bishop Estate revised its policy of issuing such long-term agricultural leases as a result of concern over Chapter 516, Hawaii Revised Statutes, that allows residential lessees to acquire the fee simple title from Bishop Estate. The specific concern is that these Kona agricultural leases may someday be susceptible to similar conversion laws. As a result, Bishop Estate's current policy is to renew expired leases or issue new leases for a term of 15 years. In addition, its policy prohibits the construction of a new house on those leases where a residential dwelling unit does not exist.

According to the testimony presented by farmers, their concerns over the present situation are that:

- (1) The unique Kona agricultural lands must be protected to ensure the future viability of agriculture;
- (2) The cost to improve and maintain agricultural land is high; therefore, farmers require long-term leases in order to survive. One farmer estimated that given the high costs of bulldozing the land, purchasing the plants, and then maintaining the farm, it could take a macadamia nut farmer from 12 to 15 years to reach the break-even point; and for a coffee farmer, the break-even point would range from 5 to 6 years, depending on the elevation;
- (3) Full-time farmers cannot compete with the gentlemen farmers in paying the lease rents;
- (4) Farmers are concerned that the recent sale of the fee simple interest in 60 acres of "marginal" agricultural lands off of Napoopoo Road is an indication of future trends for the region;
- (5) Some farmers feel that they may not be able to afford the terms of their existing leases when negotiations take place, because there are no fixed lease rents and lease rent ceilings are not tied to price variations in agricultural commodities;
- (6) At the lease's end, the farmer is not compensated for improvements made to the land; and, the commitment of the farmers in putting their financial resources and time in working the land should be matched by a commitment from the Department of Land and Natural Resources and Bishop Estate to reach some kind of resolve to the multi-faceted issues;
- (7) The lack of long-term leases is causing uncertainty for the lessees, because farming requires a long-term investment.

To support their position, they further contended that:

- (1) Farmers add new value to the land through various improvements such as installing irrigation systems, clearing the land, adding new soil, and so forth;
- (2) The farms prevent soil erosion and flooding on the hillsides;
- (3) Tree crops are a form of watershed and help ensure a viable water supply in an area heavily dependent on capturing moisture from the air; and
- (4) The survival of agriculture is closely tied to tourism. The crop lands and unique island style dwellings provide tourists with an esthetic attraction: an authentic perspective of the "real Hawaii;" many tourists are visiting the islands to experience the slower pace lifestyle, the greenery, and the lack of congestion.

In supporting the intent of this concurrent resolution, the Department of Land and Natural Resources (DLNR) testified that it would undertake discussions with Bishop Estate to determine if the basis for a suitable exchange could be worked out, provided that Bishop Estate is willing. The Department of Agriculture (DOA) did not testify on this measure.

Bishop Estate indicated its willingness to involve Kona farmers, DLNR, and DOA in this planning process to develop lease conditions which meet the needs of both the farmers and the landowner.

Your Committees are encouraged by the willingness of Bishop Estate to involve the various parties in a continuing dialog. At the same time, your Committees recognize the real concerns that Kona farmers are experiencing and the urgency of the situation.

Upon further consideration, your Committees have amended this concurrent resolution as follows:

- (1) Expanded the title and the BE IT RESOLVED clause to request DLNR to enter into discussions for the development of an agricultural park through land exchange or negotiations;

- (2) Clarified the size of Bishop Estate's land holdings in Kona from 200,000 acres to 3,000 acres (fourth WHEREAS clause);
- (3) Inserted a new WHEREAS clause that describes the purpose of agricultural parks;
- (4) Inserted a new BE IT FURTHER RESOLVED clause (following the BE IT RESOLVED clause) that DLNR involve certain parties in the discussions;
- (5) Inserted three new BE IT FURTHER RESOLVED clauses that: requests DLNR to obtain certain statistical information from Bishop Estate relating to the farm lands; submit this information to the Legislature as expeditiously as possible; and submit a progress report on the discussions to the 1991 Legislature; and
- (6) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committees on Water and Land Use and Agriculture concur with the intent and purpose of H.C.R. No. 12, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 12, H.D. 1.

Signed by all members of the Committees.

SCRep. 1278-90 Planning, Energy and Environmental Protection on H.R. No. 191

The purpose of this measure is to request that the Department of Land and Natural Resources conduct a study of Honolua Bay in order to determine the reasons for the non-point source pollution affecting the water quality of the area.

Testimony from the Department of Land and Natural Resources indicated that it would be more appropriate for the Department of Health to conduct the study, since the DOH has the equipment and certified laboratory to monitor coastal waters and make comparisons to existing water quality standards. The DLNR indicated that they do not have this capability. Your Committee has amended this measure accordingly.

In addition, your Committee has determined that it is necessary to also request that the U.S. Soil Conservation Service be involved with the analysis and assist the DOH in resolving the problem, due to their expertise on erosion of the soil profile.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 191, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 1191, H.D. 1.

Signed by all members of the Committee.

SCRep. 1279-90 Planning, Energy and Environmental Protection on H.C.R. No. 178

The purpose of this measure is to request that the Department of Land and Natural Resources conduct a study of Honolua Bay in order to determine the reasons for the non-point source pollution affecting the water quality of the area.

Testimony from the Department of Land and Natural Resources indicated that it would be more appropriate for the Department of Health to conduct the study, since the DOH has the equipment and certified laboratory to monitor coastal waters and make comparisons to existing water quality standards. The DLNR indicated that they do not have this capability. Your Committee has amended this measure accordingly.

In addition, your Committee has determined that it is necessary to also request that the U.S. Soil Conservation Service be involved with the analysis and assist the DOH in resolving the problem, due to their expertise on erosion of the soil profile.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 178, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 178, H.D. 1.

Signed by all members of the Committee.

SCRep. 1280-90 Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs on H.R. No. 222

The purpose of this resolution is to express the Legislature's objection to the United States Army's proposal to transport chemical weapons presently stored in Europe to Johnston Atoll for incineration.

Your Committees find that the proposed transport and incineration on Johnston Atoll would present an unpredictable and unreasonable risk to the life, health, and general welfare of the people of Hawaii and the Pacific. Allowing the Army to ship nerve gas weapons from Europe to the Johnston Atoll will create a dangerous precedent for shipping other toxic substances from the continental United States and other parts of the world to the Pacific.

From 1958 to 1963, Johnston Atoll was used for the atmospheric testing of nuclear weapons. Chemical weapons stockpiled on Okinawa were transported to Johnston Atoll in 1971. Chemical weapons from Vietnam have also been stored there, and an Agent Orange spill was reported in 1972.

Your Committees find that the United States Army promised that the Johnston Atoll incinerator would be a "one-shot deal" to dispose of the stockpile on Okinawa and on Johnston Atoll. If that is the case, your Committees question the appropriateness of the continued use of Johnston Atoll as a dump site.

Your Committees further find that the United States Army has not acted responsibly in providing information to the public about the proposed management of, transportation to, and incineration of the stockpile at Johnston Atoll.

Your Committees received testimony favoring this measure from the Office of Hawaiian Affairs, the Hawaii Council of Churches, the World Council of Indigenous Peoples, Malenka o Hawaii, and other individuals. The Environmental Center submitted dissenting testimony.

A fisherman expressed concern that the proposed incineration on Johnston Atoll may expose marine wildlife to dioxins and other toxic substances in the surrounding area. Not only is it possible that he could lose his livelihood, but the tourists and residents would not be able to enjoy deep water fish found only in the Pacific due to potential food poisoning.

Hawaii's economy relies heavily on the tourism industry. Visitors are attracted to our islands because of Hawaii's reputation for fresh air, clean beaches, and outstanding sea food. If this reputation is marred, what will happen to our State's thriving economy?

Your Committees have amended this resolution by providing that the Association of Pacific Island Legislatures receive a certified copy this measure.

Your Committee on Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 222, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 222, H.D. 1.

Signed by all members of the Committees.

SCRep. 1281-90 Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs on H.C.R. No. 208

The purpose of this concurrent resolution is to express the Legislature's objection to the United States Army's proposal to transport chemical weapons presently stored in Europe to Johnston Atoll for incineration.

Your Committees find that the proposed transport and incineration on Johnston Atoll would present an unpredictable and unreasonable risk to the life, health, and general welfare of the people of Hawaii and the Pacific. Allowing the Army to ship nerve gas weapons from Europe to the Johnston Atoll will create a dangerous precedent for shipping other toxic substances from the continental United States and other parts of the world to the Pacific.

From 1958 to 1963, Johnston Atoll was used for the atmospheric testing of nuclear weapons. Chemical weapons stockpiled on Okinawa were transported to Johnston Atoll in 1971. Chemical weapons from Vietnam have also been stored there, and an Agent Orange spill was reported in 1972.

Your Committees find that the United States Army promised that the Johnston Atoll incinerator would be a "one-shot deal" to dispose of the stockpile on Okinawa and on Johnston Atoll. If that is the case, your Committees question the appropriateness of the continued use of Johnston Atoll as a dump site.

Your Committees further find that the United States Army has not acted responsibly in providing information to the public about the proposed management of, transportation to, and incineration of the stockpile at Johnston Atoll.

Your Committees received testimony favoring this measure from the Office of Hawaiian Affairs, the Hawaii Council of Churches, the World Council of Indigenous Peoples, Malenka o Hawaii, and other individuals. The Environmental Center submitted dissenting testimony.

A fisherman expressed concern that the proposed incineration on Johnston Atoll may expose marine wildlife to dioxins and other toxic substances in the surrounding area. Not only is it possible that he could lose his livelihood, but the tourists and residents would not be able to enjoy deep water fish found only in the Pacific due to potential food poisoning.

Hawaii's economy relies heavily on the tourism industry. Visitors are attracted to our islands because of Hawaii's reputation for fresh air, clean beaches, and outstanding sea food. If this reputation is marred, what will happen to our State's thriving economy?

Your Committees have amended this concurrent resolution by providing that the Association of Pacific Island Legislatures receive a certified copy this measure.

Your Committee on Planning, Energy, and Environmental Protection and Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 208, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 208, H.D. 1.

Signed by all members of the Committees.

SCRep. 1282-90 Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs on H.R. No. 297

The purpose of this resolution is to urge the United States Senate to ratify the Convention on Conservation of Nature in the South Pacific, also known as the Apia Convention.

In June, 1976, representatives of the United States and other South Pacific nations met in Apia, Western Samoa, where they drafted and signed the Apia Convention. The Convention encouraged the creation, wise management, and appropriate use of protected areas, which together with existing protected areas will safeguard natural ecosystems and the environment.

The United States Senate has not yet ratified the Apia Convention. Your Committees believe that other Pacific nations and federal agencies, including the United States Fish and Wildlife Service and the National Park Service, would find the adoption and implementation of the Convention useful in their efforts to protect the natural resources in the Pacific area.

The Conservation Council of Hawaii and Hawaii's Thousand Friends submitted testimony in support of this measure.

Your Committees have amended this resolution by providing that the Association of Pacific Island Legislatures receive a certified copy of this measure.

Your Committees on Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 297, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 297, H.D. 1.

Signed by all members of the Committees.

SCRep. 1283-90 Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs on H.C.R. No. 286

The purpose of this concurrent resolution is to urge the United States Senate to ratify the Convention on Conservation of Nature in the South Pacific, also known as the Apia Convention.

In June, 1976, representatives of the United States and other South Pacific nations met in Apia, Western Samoa, where they drafted and signed the Apia Convention. The Convention encouraged the creation, wise management, and appropriate use of protected areas, which together with existing protected areas will safeguard natural ecosystems and the environment.

The United States Senate has not yet ratified the Apia Convention. Your Committees believe that other Pacific nations and federal agencies, including the United States Fish and Wildlife Service and the National Park Service, would find the adoption and implementation of the Convention useful in their efforts to protect the natural resources in the Pacific area.

The Conservation Council of Hawaii and Hawaii's Thousand Friends submitted testimony in support of this measure.

Your Committees have amended this concurrent resolution by providing that the Association of Pacific Island Legislatures receive a certified copy of this measure.

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. 286, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 286, H.D. 1.

Signed by all members of the Committees.

SCRep. 1284-90 Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs on H.C.R. No. 273

The purpose of this measure is to urge the United States Fish and Wildlife Service to re-establish the use of recovery teams for recovery plan development and implementation, and to also encourage the inclusion of species that currently do not have such plans.

Testimony was provided by the Department of Natural Resources, the Natural Resources Defense Council, and the Conservation Council for Hawaii. All testimony indicated that private landowners should be included in the recovery teams, since many species are located only on private property. Your Committees have amended this measure accordingly.

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. 273, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 273, H.D. 1.

Signed by all members of the Committees.

SCRep. 1285-90 Human Services on H.R. No. 324

The purpose of this resolution is to ensure the provision of more office space and an improved professional working environment for Child Protective Services (CPS) workers at the new Waiakamilo Road site.

Your Committee received testimony in support of this resolution from the Department of Human Services (DHS), the Hawaii Government Employees Association (HGEA), and several CPS and Elderly Protective Services employees.

The CPS and Elderly Protective Services employees expressed many concerns with regard to proposed floor plans for their new Waiakamilo office, including, inadequate office space to ensure the preservation of client confidentiality, inadequate office space for new staff which the DHS intends to hire, inadequate number of stalls in the women's bathroom, safety of workers going to and from parking at the pier during after hours, and no transportation to and from the Courts. The employees also expressed frustration with the failure of the DHS administration to keep the employees apprised and updated regarding plans for the new site and repeated failures on the part of the administration to listen to and consider employee feedback.

The HGEA similarly expressed frustration regarding the failure of the DHS administration to address employee concerns regarding floor plan inadequacies, particularly in relation to working conditions and the provision of a professional working environment.

While the DHS testified that the current floor plans were drafted according to Department of Accounting and General Services (DAGS) space standards, DAGS testified that exceptions to the standards could be implemented upon request and justification by the DHS.

The DHS further testified that it has striven to design the most professional working environment possible within the economic restraints imposed by its funding. For example, to address client confidentiality concerns, private interview rooms have been incorporated into the floor plans. The DHS has also recently acquired additional office space to help alleviate inadequate space concerns.

Your Committee finds that employee input and feedback is integral to the planning of a working environment that will foster professionalism, better services to clients, and higher employee motivation and morale. Your Committee also finds that the utilization of mediation services will ensure that employees' are given the opportunity to provide such input and feedback, and believes that the HGEA will appropriately represent the interest and views of the employees in this regard.

Based on the foregoing testimony, your Committee has amended the resolution as follows:

- (1) Requested the Governor, in addition to DHS and DAGS to provide more space and a more professional working environment for CPS workers;
- (2) Included safety of parking at the pier as one of the concerns of CPS workers which should be addressed;
- (3) Directed the DHS to request DAGS for the allowance of more office space for CPS workers and in conjunction thereto, directed DAGS to review its criteria for planning the working environment of state employees whose jobs require confidentiality;
- (4) Directed the DHS, with cooperation from DAGS, to consider the possibility of acquiring additional office space for CPS workers and to plan for future increases in staff positions for proposed child welfare teams;
- (5) Directed the DHS, joined by DAGS and the HGEA, to utilize the mediation services of the Alternative Dispute Resolution program to ensure that employee concerns are addressed;
- (6) Directed that certified copies of the resolution be transmitted to the Governor, the HGEA, and the Alternative Dispute Resolution program; and
- (7) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 324, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 324, H.D. 1.

Signed by all members of the Committee.

SCRep. 1286-90 Human Services on H.C.R. No. 312

The purpose of this concurrent resolution is to ensure the provision of more office space and an improved professional working environment for Child Protective Services (CPS) workers at the new Waiakamilo Road site.

Your Committee received testimony in support of this concurrent resolution from the Department of Human Services (DHS), the Hawaii Government Employees Association (HGEA), and several CPS and Elderly Protective Services employees.

The CPS and Elderly Protective Services employees expressed many concerns with regard to proposed floor plans for their new Waiakamilo office, including, inadequate office space to ensure the preservation of client confidentiality, inadequate office space for new staff which the DHS intends to hire, inadequate number of stalls in the women's bathroom, safety of workers going to and from parking at the pier during after hours, and no transportation to and from the Courts. The employees also expressed frustration with the failure of the DHS administration to keep the employees apprised and updated regarding plans for the new site and repeated failures on the part of the administration to listen to and consider employee feedback.

The HGEA similarly expressed frustration regarding the failure of the DHS administration to address employee concerns regarding floor plan inadequacies, particularly in relation to working conditions and the provision of a professional working environment.

While the DHS testified that the current floor plans were drafted according to Department of Accounting and General Services (DAGS) space standards, DAGS testified that exceptions to the standards could be implemented upon request and justification by the DHS.

The DHS further testified that it has striven to design the most professional working environment possible within the economic restraints imposed by its funding. For example, to address client confidentiality concerns, private interview rooms have been incorporated into the floor plans. The DHS has also recently acquired additional office space to help alleviate inadequate space concerns.

Your Committee finds that employee input and feedback is integral to the planning of a working environment that will foster professionalism, better services to clients, and higher employee motivation and morale. Your Committee also finds that the utilization of mediation services will ensure that employees' are given the opportunity to provide such input and feedback, and believes that the HGEA will appropriately represent the interest and views of the employees in this regard.

Based on the foregoing testimony, your Committee has amended the concurrent resolution as follows:

- (1) Requested the Governor, in addition to DHS and DAGS to provide more space and a more professional working environment for CPS workers;
- (2) Included safety of parking at the pier as one of the concerns of CPS workers which should be addressed;
- (3) Directed the DHS to request DAGS for the allowance of more office space for CPS workers and in conjunction thereto, directed DAGS to review its criteria for planning the working environment of state employees whose jobs require confidentiality;
- (4) Directed the DHS, with cooperation from DAGS, to consider the possibility of acquiring additional office space for CPS workers and to plan for future increases in staff positions for proposed child welfare teams;
- (5) Directed the DHS, joined by DAGS and the HGEA, to utilize the mediation services of the Alternative Dispute Resolution program to ensure that employee concerns are addressed;
- (6) Directed that certified copies of the concurrent resolution be transmitted to the Governor, the HGEA, and the Alternative Dispute Resolution program; and
- (7) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Human Services 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.

SCRep. 1287-90 Human Services on H.R. No. 327

The purpose of this resolution is to have the Office of Children and Youth together with the Executive Office on Aging to examine national intergenerational programs, to recommend appropriate programs for Hawaii, to consult with local affiliates of Generations United, and to assess current intergenerational programs in Hawaii and promote intergenerational programs among public and private organizations throughout the State.

Your Committee received favorable testimony from the Office of Children and Youth, and the Executive Office on Aging. The Office of Children and Youth supports group participation across the ages and strongly believes it helps to promote a very healthy attitude among the young and the elderly. Executive Office on Aging encourages and seeks increased opportunities to bring people of all ages together.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 327 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1288-90 Human Services on H.C.R. No. 315

The purpose of this resolution is to have the Office of Children and Youth together with the Executive Office on Aging to examine national intergenerational programs, to recommend appropriate programs for Hawaii, to consult with local affiliates of Generations United, and to assess current intergenerational programs in Hawaii and promote intergenerational programs among public and private organizations throughout the State.

Your Committee received favorable testimony from the Office of Children and Youth, and the Executive Office on Aging. The Office of Children and Youth supports group participation across the ages and strongly believes it helps to promote a very healthy attitude among the young and the elderly. Executive Office on Aging encourages and seeks increased opportunities to bring people of all ages together.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 315 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1289-90 Human Services on H.R. No. 149

The purpose of this resolution is to request the Governor's Office of Children and Youth to submit to the Legislature an evaluation, together with its progress, findings, and recommendations of Hawaii's children and youth programs and services. This resolution asks that the evaluation include:

- (1) Comparative statistics of other states and countries in education, health care, nutrition, child care, abuse and neglect, crime, homelessness, developmental disabilities, and other pertinent areas; and
- (2) Methods by which programs and services can be improved and can assist families to provide a solid foundation for their children and youth.

Your Committee received testimony in full support of this resolution from the Office of Children and Youth. The Office of Children and Youth agrees that an evaluation of the condition of the State's children and youth programs is an extremely powerful tool for the modification and planning of current and future children's services.

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

Signed by all members of the Committee.

SCRep. 1290-90 Human Services on H.C.R. No. 135

The purpose of this resolution is to request the Governor's Office of Children and Youth to submit to the Legislature an evaluation, together with its progress, findings, and recommendations of Hawaii's children and youth programs and services. This resolution asks that the evaluation include:

- (1) Comparative statistics of other states and countries in education, health care, nutrition, child care, abuse and neglect, crime, homelessness, developmental disabilities, and other pertinent areas; and
- (2) Methods by which programs and services can be improved and can assist families to provide a solid foundation for their children and youth.

Your Committee received testimony in full support of this resolution from the Office of Children and Youth. The Office of Children and Youth agrees that an evaluation of the condition of the State's children and youth programs is an extremely powerful tool for the modification and planning of current and future children's services.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 135 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1291-90 Human Services on H.R. No. 76 (Majority)

The purpose of this resolution is to request the Governor to suspend current plans for construction of a new women's community correctional facility until a thorough study and assessment of the current population and program requirements, including innovative programs which can serve as alternatives to women's incarceration, is completed.

This resolution also directs that the results of the proposed study and assessment be incorporated as an integral part of the planning, design, and construction of the new women's community correction facility.

Your Committee received testimony in support of this resolution from the Hawaii State Commission on the Status of Women, an associate professor of Women's Studies at the University of Hawaii, and a concerned private citizen. This testimony indicated that an estimated 85 percent of the women in the existing Women's Community Correctional Center are non-violent offenders who are not a threat to public safety. As many as a third of the women are simply awaiting trial and most of the remainder are being held for misdemeanors or petty misdemeanors or for violation of conditions of probation or parole. Before the State begins building a costly high security facility for women, other less costly and effective alternate programs need to be considered.

The Department of Corrections and the Governor's Special Master of Corrections submitted testimony against this resolution. This testimony indicated that the proposed delay would prolong the abatement of deficiencies which exist at the present facility and which have been the subject of litigation for more than five years. This testimony also indicated that the original plan for replacement of the facility which called for the construction of 240 permanent beds has been dramatically downsized to 96 permanent beds. Construction of the additional 144 beds will be delayed pending completion of a detailed population analysis and alternatives study such as the one proposed by this resolution.

Based on the foregoing testimony, your Committee has amended the resolution as follows:

- (1) Requested that the Governor "downsize" rather than "delay" construction of the new women's facility to the 96-bed plan until the proposed study and assessment is completed;
- (2) Clarified that the study is to be conducted by the Department of Corrections;
- (3) Required that the Director of Corrections report findings and recommendations to the Legislature at least twenty days before the convening of the Regular Session of 1991;
- (4) Required that certified copies of the resolution be transmitted to the Governor, the Director of Corrections, and the Governor's Special Master of Corrections; and
- (5) Made technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 76, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 76, H.D. 1.

Signed by all members of the Committee.
(Representatives Chang and M. Ige did not concur.)

SCRep. 1292-90 Human Services on H.C.R. No. 66 (Majority)

The purpose of this concurrent resolution is to request the Governor to suspend current plans for construction of a new women's community correctional facility until a thorough study and assessment of the current population and program requirements, including innovative programs which can serve as alternatives to women's incarceration, is completed.

This concurrent resolution also directs that the results of the proposed study and assessment be incorporated as an integral part of the planning, design, and construction of the new women's community correction facility.

Your Committee received testimony in support of this concurrent resolution from the Hawaii State Commission on the Status of Women, an associate professor of Women's Studies at the University of Hawaii, and a concerned private citizen. This testimony indicated that an estimated 85 percent of the women in the existing Women's Community Correctional Center are non-violent offenders who are not a threat to public safety. As many as a third of the women are simply awaiting trial and most of the remainder are being held for misdemeanors or petty misdemeanors or for violation of conditions of probation or parole. Before the State begins building a costly high security facility for women, other less costly and effective alternate programs need to be considered.

The Department of Corrections and the Governor's Special Master of Corrections submitted testimony against this concurrent resolution. This testimony indicated that the proposed delay would prolong the abatement of deficiencies which exist at the present facility and which have been the subject of litigation for more than five years. This testimony also indicated that the original plan for replacement of the facility which called for the construction of 240 permanent beds has been dramatically downsized to 96 permanent beds. Construction of the additional 144 beds will be delayed pending completion of a detailed population analysis and alternatives study such as the one proposed by this concurrent resolution.

Based on the foregoing testimony, your Committee has amended the concurrent resolution as follows:

- (1) Requested that the Governor "downsize" rather than "delay" construction of the new women's facility to the 96-bed plan until the proposed study and assessment is completed;
- (2) Clarified that the study is to be conducted by the Department of Corrections;
- (3) Required that the Director of Corrections report findings and recommendations to the Legislature at least twenty days before the convening of the Regular Session of 1991;
- (4) Required that certified copies of the concurrent resolution be transmitted to the Governor, the Director of Corrections, and the Governor's Special Master of Corrections; and
- (5) Made technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 66, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 66, H.D. 1.

Signed by all members of the Committee.
(Representatives Chang and M. Ige did not concur.)

SCRep. 1293-90 Human Services on H.R. No. 166

The purpose of this resolution is to have the Office of Youth Services, in consultation with the Juvenile Crime Prevention Division of the Honolulu Police Department, conduct an evaluation of present and projected programs and services for runaway youth and their parents, and to recommend methods to improve existing programs and services to the Legislature.

Your Committee received favorable testimony from the Office of Youth Services. The Office of Youth Services assures your committee that they will work cooperatively with the Juvenile Crime Prevention Division in the proposed study of programs and services for runaway youth and their parents.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 166 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1294-90 Human Services on H.C.R. No. 152

The purpose of this concurrent resolution is to have the Office of Youth Services, in consultation with the Juvenile Crime Prevention Division of the Honolulu Police Department, conduct an evaluation of present and projected programs and services for runaway youth and their parents, and to recommend methods to improve existing programs and services to the Legislature.

Your Committee received favorable testimony from the Office of Youth Services. The Office of Youth Services assures your committee that they will work cooperatively with the Juvenile Crime Prevention Division in the proposed study of programs and services for runaway youth and their parents.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 152 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1295-90 Human Services on H.R. No. 164

The purpose of this resolution is to study the feasibility of designing, constructing, and managing a pre-release center for adult inmates who are within two years of discharge.

Your Committee finds that overcrowding in the prisons and the high cost of building more bed space requires the State to explore more cost-effective alternatives.

Your Committee received testimony in favor of this measure from the ACLU and the Department of Corrections. The Department of Corrections expressed concern about the difficulty of conducting a comprehensive study without funding from the State, as such a study would typically include pre-architectural programming to determine space and function, siting criteria, and other technical issues.

Based on the foregoing testimony, your Committee has amended the resolution to have the Department of Corrections assess the need for a pre-release center, rather than attempt a comprehensive study without necessary funding.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 164, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 164, H.D. 1.

Signed by all members of the Committee.

SCRep. 1296-90 Human Services on H.C.R. No. 150

The purpose of this concurrent resolution is to study the feasibility of designing, constructing, and managing a pre-release center for adult inmates who are within two years of discharge.

Your Committee finds that overcrowding in the prisons and the high cost of building more bed space requires the State to explore more cost-effective alternatives.

Your Committee received testimony in favor of this measure from the ACLU and the Department of Corrections. The Department of Corrections expressed concern about the difficulty of conducting a comprehensive study without funding from the State, as such a study would typically include pre-architectural programming to determine space and function, siting criteria, and other technical issues.

Based on the foregoing testimony, your Committee has amended the concurrent resolution to have the Department of Corrections assess the need for a pre-release center, rather than attempt a comprehensive study without necessary funding.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 150, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 150, H.D. 1.

Signed by all members of the Committee.

SCRep. 1297-90 Human Services on H.R. No. 328

The purpose of this resolution is to direct the Department of Corrections to formulate and implement a plan of action to identify special needs offenders and provide appropriate rehabilitative programs as part of the Department's inmate classification system development.

Your Committee received testimony in support of this resolution from the Departments of Corrections and Human Services, the State Planning Council on Developmental Disabilities, the Commission on Persons with Disabilities, the

Protection and Advocacy Agency of Hawaii, the Developmentally Disabled and Handicapped Prisoners Task Force, and Hawaii Services on Deafness.

The Department of Corrections testified that despite the enactment of Section 190, Act 316, Session Laws of Hawaii 1989, which directs that appropriate resources shall be used to design and implement a plan of action regarding the identification and management of special needs offenders, as well as the program needs of those offenders, the Department has been unable to obtain any resources to develop such a plan. Moreover, the current day-to-day needs of the inmate population and numerous staff vacancies have precluded the utilization of existing resources for plan purposes.

All testifiers stressed that the special needs of inmates with disabling conditions must be promptly and routinely identified and appropriately addressed.

Your Committee has amended this resolution as follows:

- (1) Directed that the Department of Public Safety expeditiously begin formulating a plan of action to address the special identification, intake, program, facility, and management needs of special needs offenders;
- (2) Directed that funding required for development and implementation of the plan of action, including position requests, if any, be included in and funded through the Department of Public Safety's biennial budget as an additional item; and
- (3) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee notes that the resolution refers to the Department of Public Safety rather than the Department of Corrections in anticipation of the transferral of the latter effective July 1, 1990.

Your Committee on Human Services is in accord with the intent and purpose of H.R. No. 328, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 328, H.D. 1.

Signed by all members of the Committee.

SCRep. 1298-90 Human Services on H.C.R. No. 316

The purpose of this concurrent resolution is to direct the Department of Corrections to formulate and implement a plan of action to identify special needs offenders and provide appropriate rehabilitative programs as part of the Department's inmate classification system development.

Your Committee received testimony in support of this concurrent resolution from the Departments of Corrections and Human Services, the State Planning Council on Developmental Disabilities, the Commission on Persons with Disabilities, the Protection and Advocacy Agency of Hawaii, the Developmentally Disabled and Handicapped Prisoners Task Force, and Hawaii Services on Deafness.

The Department of Corrections testified that despite the enactment of Section 190, Act 316, Session Laws of Hawaii 1989, which directs that appropriate resources shall be used to design and implement a plan of action regarding the identification and management of special needs offenders, as well as the program needs of those offenders, the Department has been unable to obtain any resources to develop such a plan. Moreover, the current day-to-day needs of the inmate population and numerous staff vacancies have precluded the utilization of existing resources for plan purposes.

All testifiers stressed that the special needs of inmates with disabling conditions must be promptly and routinely identified and appropriately addressed.

Your Committee has amended this concurrent resolution as follows:

- (1) Directed that the Department of Public Safety expeditiously begin formulating a plan of action to address the special identification, intake, program, facility, and management needs of special needs offenders;
- (2) Directed that funding required for development and implementation of the plan of action, including position requests, if any, be included in and funded through the Department of Public Safety's biennial budget as an additional item; and
- (3) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee notes that the concurrent resolution refers to the Department of Public Safety rather than the Department of Corrections in anticipation of the transferral of the latter effective July 1, 1990.

Your Committee on Human Services is in accord with the intent and purpose of H.C.R. No. 316, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 316, H.D. 1.

Signed by all members of the Committee.

SCRep. 1299-90 Human Services on H.R. No. 165

The purpose of this resolution is to establish an interagency task force to monitor and address the social worker shortage problem in the State of Hawaii.

Your Committee received testimony in support of this resolution from the Departments of Corrections, Health, Human Services, Education, and Personnel Services; the School of Social Work of the University of Hawaii at Manoa; the Inter-Agency Social Work Committee; and the Hawaii chapter of the National Association of Social Workers, Inc.

The School of Social Work of the University of Hawaii indicated the need for classification issues to be addressed. In this regard, the School of Social Work stressed that the shortage situation should not be accomplished by downgrading educational requirements. As the Board of Regents stated, in-service training is not deemed to be an acceptable substitute for a professional degree.

Additionally, the School of Social Work suggested that the resolution address additional causes of the shortage mentioned in the Legislative Auditor's report entitled, "Study of the Social Worker Shortage Among State Agencies", including low salaries, unreasonable workload, and poor working conditions.

The National Association of Social Workers, Inc. requested that it be included in the task force to represent the interests of the profession and to lend its composite of knowledge toward resolution of the social worker shortage problem.

Your Committee has amended the resolution as follows:

- (1) Included poor working conditions, low salaries, and unreasonable workloads in the description of factors which have exacerbated the social worker shortage situation;
- (2) Directed the proposed task force to address classification issues, including the feasibility and impact of the creation of a class of social workers;
- (3) Directed the proposed task force to address the problems of poor working conditions, low salaries, and unreasonable workloads;
- (4) Included the National Association of Social Workers, Inc., Hawaii chapter, as one of the participants of the proposed task force;
- (5) Directed that a copy of the resolution be sent to the Executive Director of the National Association of Social Workers, Inc., Hawaii chapter; and
- (6) Made technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Human Services is in accord with the intent and purpose of H.R. No. 165, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 165, H.D. 1.

Signed by all members of the Committee.

SCRep. 1300-90 Human Services on H.C.R. No. 151

The purpose of this concurrent resolution is to establish an interagency task force to monitor and address the social worker shortage problem in the State of Hawaii.

Your Committee received testimony in support of this concurrent resolution from the Departments of Corrections, Health, Human Services, Education, and Personnel Services; the School of Social Work of the University of Hawaii at Manoa; the Inter-Agency Social Work Committee; and the Hawaii chapter of the National Association of Social Workers, Inc.

The School of Social Work of the University of Hawaii indicated the need for classification issues to be addressed. In this regard, the School of Social Work stressed that the shortage situation should not be accomplished by downgrading educational requirements. As the Board of Regents stated, in-service training is not deemed to be an acceptable substitute for a professional degree.

Additionally, the School of Social Work suggested that the concurrent resolution address additional causes of the shortage mentioned in the Legislative Auditor's report entitled, "Study of the Social Worker Shortage Among State Agencies", including low salaries, unreasonable workload, and poor working conditions.

The National Association of Social Workers, Inc. requested that it be included in the task force to represent the interests of the profession and to lend its composite of knowledge toward resolution of the social worker shortage problem.

Your Committee has amended the concurrent resolution as follows:

- (1) Included poor working conditions, low salaries, and unreasonable workloads in the description of factors which have exacerbated the social worker shortage situation;
- (2) Directed the proposed task force to address classification issues, including the feasibility and impact of the creation of a class of social workers;
- (3) Directed the proposed task force to address the problems of poor working conditions, low salaries, and unreasonable workloads;

- (4) Included the National Association of Social Workers, Inc., Hawaii chapter, as one of the participants of the proposed task force;
- (5) Directed that a copy of the concurrent resolution be sent to the Executive Director of the National Association of Social Workers, Inc., Hawaii chapter; and
- (6) Made technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Human Services is in accord with the intent and purpose of H.C.R. No. 151, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 151, H.D. 1.

Signed by all members of the Committee.

SCRep. 1301-90 Transportation on H.R. No. 184

The purpose of this resolution is to request the Department of Transportation to begin plans for widening and upgrading the shoulders and sidewalks along the Kalaniana'ole Highway in Waimanalo.

Your Committee received favorable testimony from the Department of Transportation.

Your Committee finds that the absence of shoulders and sidewalks on portions of the Kalaniana'ole Highway in Waimanalo poses a safety hazard to pedestrians and bicyclists. Your Committee also finds that there is no shoulder or sidewalk more than three feet wide from 41-1720 Kalaniana'ole Highway to Kumuhau Street. Your Committee also finds that interim physical improvements should be initiated along the most dangerous portions of the Kalaniana'ole Highway, in particular, the one-quarter mile section stretching from 41-1720 Kalaniana'ole Highway to Mekia Street.

Your Committee has amended this resolution by including a resolved section that requires that initial assessment and remedial improvements be made between 41-1720 Kalaniana'ole Highway and Mekia Street.

Your Committee has also amended this resolution by deleting the resolved section which requests that the cost of implementing the plans for upgrading Kalaniana'ole highway in Waimanalo, be incorporated in the State Department of Transportation 1991-1992 biennial plan and budget.

Your Committee has made other technical, non-substantive amendments for the purposes of style and clarity.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 184, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 184, H.D. 1.

Signed by all members of the Committee except Representatives Hiriyama and Horita.

SCRep. 1302-90 Transportation on H.C.R. No. 167

The purpose of this concurrent resolution is to request the Department of Transportation to begin plans for widening and upgrading the shoulders and sidewalks along the Kalaniana'ole Highway in Waimanalo.

Your Committee received favorable testimony from the Department of Transportation.

Your Committee finds that the absence of shoulders and sidewalks on portions of the Kalaniana'ole Highway in Waimanalo poses a safety hazard to pedestrians and bicyclists. Your Committee also finds that there is no shoulder or sidewalk more than three feet wide from 41-1720 Kalaniana'ole Highway to Kumuhau Street. Your Committee also finds that interim physical improvements should be initiated along the most dangerous portions of the Kalaniana'ole Highway, in particular, the one-quarter mile section stretching from 41-1720 Kalaniana'ole Highway to Mekia Street.

Your Committee has amended this concurrent resolution by including a resolved section that requires that initial assessment and remedial improvements be made between 41-1720 Kalaniana'ole Highway and Mekia Street.

Your Committee has also amended this concurrent resolution by deleting the resolved section which requests that the cost of implementing the plans for upgrading Kalaniana'ole highway in Waimanalo, be incorporated in the State Department of Transportation 1991-1992 biennial plan and budget.

Your Committee has made other technical, non-substantive amendments for the purposes of style and clarity.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 167, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 167, H.D. 1.

Signed by all members of the Committee except Representatives Hirayama and Horita.

SCRep. 1303-90 Transportation on H.R. No. 209

The purpose of this resolution is to request that the Department of Transportation study ways of developing and implementing multi-directional flexibility on State highways.

Your Committee received testimony on this resolution from the Department of Transportation.

Your Committee finds that often traffic reaches absolute standstill at times when there are accidents or other obstructions inhibiting the normal flow of traffic. Your Committee finds that the optimum way in which to quickly dissolve the traffic situation is to give emergency and tow vehicles immediate access. Your Committee further finds however, that as the traffic builds up as a result of the obstruction, it becomes even more difficult for emergency vehicles to reach the scene. Your Committee finds that implementing multi-directional flexibility will allow quicker response time by emergency vehicles.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 209 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1304-90 Transportation on H.C.R. No. 199

The purpose of this concurrent resolution is to request that the Department of Transportation study ways of developing and implementing multi-directional flexibility on State highways.

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

Your Committee finds that often traffic reaches absolute standstill at times when there are accidents or other obstructions inhibiting the normal flow of traffic. Your Committee finds that the optimum way in which to quickly dissolve the traffic situation is to give emergency and tow vehicles immediate access. Your Committee further finds however, that as the traffic builds up as a result of the obstruction, it becomes even more difficult for emergency vehicles to reach the scene. Your Committee finds that implementing multi-directional flexibility will allow quicker response time by emergency vehicles.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 199 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1305-90 Transportation; Tourism; and Intergovernmental Relations and International Affairs on H.R. No. 220

The purpose of this resolution is to request the Department of Transportation to coordinate a study assessing the feasibility of improving property north of Laupahoehoe Gulch for a scenic lookout. This report will determine the ownership and historical significance of the property located just north of Laupahoehoe Gulch, investigate the feasibility of creating a scenic lookout overlooking the Laupahoehoe Gulch, and include an action plan with the projected costs for design and construction.

Your Committees received testimony from the Department of Transportation and the North Hilo Community Association.

Your Committees find that the present lookout located on the Hawaii Belt highway, south of Laupahoehoe Gulch, which was once a popular viewpoint for tourists and residents, has had its view substantially obstructed by the construction of a residential home. Your Committees further find that sites exist on the Hawaii Belt highway, in the immediate vicinity of Laupahoehoe Gulch, which may serve as viable alternatives to the southern lookout.

Your Committees have amended this resolution by broadening the scope of the study such that other possible alternatives that would afford the same scenic vantage point overlooking Laupahoehoe Point be investigated. Your Committees feel that alternate locations for a Laupahoehoe scenic lookout may exist and warrant consideration.

Your Committees have made other technical, non-substantive amendments for the purpose of clarity and style.

Your Committees on Transportation, Tourism, and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 220, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 220, H.D. 1.

Signed by all members of the Committees.

SCRep. 1306-90 Transportation; Tourism; and Intergovernmental Relations and International Affairs on H.C.R. No. 206

The purpose of this concurrent resolution is to request the Department of Transportation to coordinate a study assessing the feasibility of improving property north of Laupahoehoe Gulch for a scenic lookout. This report will determine the ownership and historical significance of the property located just north of Laupahoehoe Gulch, investigate the feasibility of creating a scenic lookout overlooking the Laupahoehoe Gulch, and include an action plan with the projected costs for design and construction.

Your Committees received testimony from the Department of Transportation and the North Hilo Community Association.

Your Committees find that the present lookout located on the Hawaii Belt highway, south of Laupahoehoe Gulch, which was once a popular viewpoint for tourists and residents, has had its view substantially obstructed by the construction of a residential home. Your Committees further find that sites exist on the Hawaii Belt highway, in the immediate vicinity of Laupahoehoe Gulch, which may serve as viable alternatives to the southern lookout.

Your Committees have amended this concurrent resolution by broadening the scope of the study such that other possible alternatives that would afford the same scenic vantage point overlooking Laupahoehoe Point be investigated. Your Committees feel that alternate locations for a Laupahoehoe scenic lookout may exist and warrant consideration.

Your Committees have made other technical, non-substantive amendments for the purpose of clarity and style.

Your Committees on Transportation, Tourism, and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 206, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 206, H.D. 1.

Signed by all members of the Committees.

SCRep. 1307-90 Transportation; Health; and Intergovernmental Relations and International Affairs on H.R. No. 119

The purpose of this resolution is to create a greater awareness of Hawaii's organ donor program.

Your Committees received testimony on this resolution from the City and County Director of Finance, the Department of Health, and the Hawaii Lions Eye Bank and Makana Foundation.

Your Committees support the purposes of the organ donor program and are in agreement that lives can be greatly improved and saved because of donated organs or tissue. Your Committees also agree that because organ viability is limited to several hours, Hawaii's isolated location requires island residents to serve as the primary source for organ donation. Your Committees further find that steps to increase awareness of the organ donor program and availability of information will encourage participation.

Since the City and County is planning to implement new licenses beginning in May 1991, your Committees find that it may be possible to designate organ donors by including a code on their driver's license. Your Committees have amended this resolution by inserting a new resolved section requesting that the City and County take such action to identify organ donors.

Your Committees on Transportation, Health, and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 119, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 119, H.D. 1.

Signed by all members of the Committees except Representatives Chang, Duldulao, Leong, Peters and Tam.

SCRep. 1308-90 Transportation; Health; and Intergovernmental Relations and International Affairs on H.C.R. No. 107

The purpose of this concurrent resolution is to create a greater awareness of Hawaii's organ donor program.

Your Committees received testimony on this concurrent resolution from the City and County Director of Finance, the Department of Health, and the Hawaii Lions Eye Bank and Makana Foundation.

Your Committees support the purposes of the organ donor program and are in agreement that lives can be greatly improved and saved because of donated organs or tissue. Your Committees also agree that because organ viability is limited to several hours, Hawaii's isolated location requires island residents to serve as the primary source of organ donation. Your Committees further find that steps to increase awareness of the organ donor program and availability of information will encourage participation.

Since the City and County is planning to implement new licenses beginning in May 1991, your Committees find that it may be possible to designate organ donors by including a code on their driver's license. Your Committees have amended this concurrent resolution by inserting a new resolved section requesting that the City and County take such action to identify organ donors.

Your Committees on Transportation, Health, and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 107, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 107, H.D. 1.

Signed by all members of the Committees except Representatives Chang, Duldulao, Leong, Peters and Tam.

SCRep. 1309-90 Transportation and Intergovernmental Relations and International Affairs on H.R. No. 95

The purpose of this resolution is to request that the Department of Transportation study the feasibility of establishing a comprehensive and coordinated motor vehicle records information system.

Your Committees received testimony on this resolution from the Department of Transportation, the Judiciary, and the Hawaii Insurers Council.

Your Committees find that establishing an improved motor vehicle operator's information system is essential in order to enhance highway safety. Your Committees further find that the federal government is requiring all states to implement such a coordinated information system for holders of commercial driver licenses and Hawaii is in the process of developing an integrated system with the Judiciary and the City and County of Honolulu. Your Committees agree that this proposed system has the potential to be expanded to include all drivers and vehicles statewide.

Since the proposed commercial driver's information system is not scheduled to go into effect until April 1, 1991, your Committees have amended this resolution by extending the date which the Department of Transportation is requested to report their findings to no later than twenty days prior to the convening of Regular Session 1992.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 95, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 95, H.D. 1.

Signed by all members of the Committees.

SCRep. 1310-90 Transportation and Intergovernmental Relations and International Affairs on H.C.R. No. 81

The purpose of this concurrent resolution is to request that the Department of Transportation study the feasibility of establishing a comprehensive and coordinated motor vehicle records information system.

Your Committees received testimony on this concurrent resolution from the Department of Transportation, the Judiciary, and the Hawaii Insurers Council.

Your Committees find that establishing an improved motor vehicle operator's information system is essential in order to enhance highway safety. Your Committees further find that the federal government is requiring all states to implement such a coordinated information system for holders of commercial driver licenses and Hawaii is in the process of developing an integrated system with the Judiciary and the City and County of Honolulu. Your Committees agree that this proposed system has the potential to be expanded to include all drivers and vehicles statewide.

Since the proposed commercial driver's information system is not scheduled to go into effect until April 1, 1991, your Committees have amended this concurrent resolution by extending the date which the Department of Transportation is requested to report their findings to no later than twenty days prior to the convening of Regular Session 1992.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 81, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 81, H.D. 1.

Signed by all members of the Committees.

SCRep. 1311-90 Transportation and Intergovernmental Relations and International Affairs on H.R. No. 175

The purpose of this resolution is to request that the Department of Transportation develop an action plan to enhance the safety of motorists, pedestrians, and sightseers at bridges located on the Hamakua and Hilo coasts of the Big Island.

Your Committees received testimony from the Department of Transportation, the Hawaii County Police Department, and the North Hilo Community Association.

Your Committees find that many bridges along the Hamakua and Hilo coasts of the Big Island offer the best unobstructed view of the numerous scenic waterfalls. Your Committee finds that many residents and tourists attempt to capture the natural beauty of the waterfalls through photographs and video cameras. Your Committee further finds that these sightseers often wander into the traffic lanes of the narrow bridges thus placing themselves and motorists in hazardous and potentially fatal situations. Your Committees also find that these situations are occurring on bridges located on State highways.

Your Committees have amended this bill to include the Hawaii County Police Department as a participating agency in the development of this action plan. Your Committees have further amended this resolution by requiring that the North Hilo Community Association and the Rural South Hilo Community Association be consulted during the process of completing the study.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 175, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 175, H.D. 1.

Signed by all members of the Committees except Representatives Hirayama and Horita.

SCRep. 1312-90 Transportation and Intergovernmental Relations and International Affairs on H.C.R. No. 157

The purpose of this concurrent resolution is to request that the Department of Transportation develop an action plan to enhance the safety of motorists, pedestrians, and sightseers at bridges located on the Hamakua and Hilo coasts of the Big Island.

Your Committees received testimony from the Department of Transportation, the Hawaii County Police Department, and the North Hilo Community Association.

Your Committees find that many bridges along the Hamakua and Hilo coasts of the Big Island offer the best unobstructed view of the numerous scenic waterfalls. Your Committees find that many residents and tourists attempt to capture the natural beauty of the waterfalls through photographs and video cameras. Your Committees further find that these sightseers often wander into the traffic lanes of the narrow bridges thus placing themselves and motorists in hazardous and potentially fatal situations. Your Committees also find that these situations are occurring on bridges located on State highways.

Your Committees have amended this concurrent resolution to include the Hawaii County Police Department as a participating agency in the development of this action plan. Your Committees have further amended this concurrent resolution by requiring that the North Hilo Community Association and the Rural South Hilo Community Association be consulted during the process of completing the study.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 157, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 157, H.D. 1.

Signed by all members of the Committees except Representatives Hirayama and Horita.

SCRep. 1313-90 Transportation and Higher Education and the Arts on H.R. No. 210

The purpose of this resolution is to request the Employment Training Office of the University of Hawaii at Manoa to study the feasibility of expanding the motorcycle training program to the neighbor islands.

Your Committees received testimony from the University of Hawaii.

Your Committees find that motorcycle training programs do not exist on the neighbor islands thereby making it difficult for motorcyclists to obtain insurance without attending a licensed safety course. Not all of these individuals are able to travel to Oahu to complete this course on three consecutive weekends. This leaves many with little choice but to ride their motorcycles with a learner's permit or to utilize an uninsured bike. As a result, about 75% of the motorcycle accidents reported involve uninsured motorcycles or motorcyclists with learner's permits only.

Your Committees on Transportation and Higher Education and the Arts concur with the intent and purpose of H.R. No. 210, H.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Bunda, Bybee, Hirayama, Horita, Souki, Tam and O'Kieffe.

SCRep. 1314-90 Transportation and Higher Education and the Arts on H.C.R. No. 200

The purpose of this concurrent resolution is to request the Employment Training Office of the University of Hawaii at Manoa to study the feasibility of expanding the motorcycle training program to the neighbor islands.

Your Committees received testimony from the University of Hawaii.

Your Committees find that motorcycle training programs do not exist on the neighbor islands thereby making it difficult for motorcyclists to obtain insurance without attending a licensed safety course. Not all of these individuals are able to travel to Oahu to complete this course on three consecutive weekends. This leaves many with little choice but to ride their motorcycles with a learner's permit or to utilize an uninsured bike. As a result, about 75% of the motorcycle accidents reported involve uninsured motorcycles or motorcyclists with learner's permits only.

Your Committees on Transportation and Higher Education and the Arts concur with the intent and purpose of H.C.R. No. 200, H.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Bunda, Bybee, Hirayama, Horita, Tam, Taniguchi and O'Kieffe.

SCRep. 1315-90 Health on H.R. No. 353

The purpose of this resolution is to request the Governor's Committee on AIDS to form a special task force to develop a Bill of Rights for health care workers. The Bill of Rights is intended to be a comprehensive document which will address the needs of health care workers in relation to their occupational exposure to human immunodeficiency virus (HIV) and hepatitis B virus (HBV), while respecting the rights of consumers.

Your Committee heard testimony in support of this measure from the Department of Health, the Governor's Committee on AIDS, the Hawaii Medical Association, the Hawaii Nurses' Association, the Hemophilia Foundation of Hawaii, the American Civil Liberties Union and the Hawaii Dental Association.

Your Committee has amended this resolution by expanding the task force to include representatives from the following organizations: the Life Foundation, the Hawaii League for Nursing, the Hawaii Dental Association, the Big Island, Maui and Kauai AIDS Projects, the various counties police and fire departments, the International Longshoreman's and Warehousemen's Union, Local 142, United Public Workers, Local 646, Hotel Employees and Restaurant Employees Union, Local 5, and Teamsters Union, Local 996.

Your Committee would also like to emphasize its concern that the task force give particular attention to the Neighbor Islands to ensure that their special needs in terms of access to laboratory testing and treatment are addressed.

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

Signed by all members of the Committee except Representatives M. Ige and Liu.

SCRep. 1316-90 Health on H.C.R. No. 344

The purpose of this concurrent resolution is to request the Governor's Committee on AIDS to form a special task force to develop a Bill of Rights for health care workers. The Bill of Rights is intended to be a comprehensive document which will address the needs of health care workers in relation to their occupational exposure to human immunodeficiency virus (HIV) and hepatitis B virus (HBV), while respecting the rights of consumers.

Your Committee heard testimony in support of this measure from the Department of Health, the Governor's Committee on AIDS, the Hawaii Medical Association, the Hawaii Nurses' Association, the Hemophilia Foundation of Hawaii, the American Civil Liberties Union and the Hawaii Dental Association.

Your Committee has amended this concurrent resolution by expanding the task force to include representatives from the following organizations: the Life Foundation, the Hawaii League for Nursing, the Hawaii Dental Association, the Big Island, Maui and Kauai AIDS Projects, the various counties police and fire departments, the International Longshoreman's and Warehousemen's Union, Local 142, United Public Workers, Local 646, Hotel Employees and Restaurant Employees Union, Local 5, and Teamsters Union, Local 996.

Your Committee would also like to emphasize its concern that the task force give particular attention to the Neighbor Islands to ensure that their special needs in terms of access to laboratory testing and treatment are addressed.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 344, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 344, H.D. 1.

Signed by all members of the Committee except Representatives M. Ige and Liu.

SCRep. 1317-90 Health on H.R. No. 325

The purpose of this bill is to request the appropriate agencies to implement the recommendations in the Legislative Auditors report on the evaluation of the quality of care in homes serving people with developmental disabilities.

The Legislative Auditors Office has issued a report to the Governor and the Legislature entitled "Evaluation of the Quality of Care in Homes Serving People with Developmental Disabilities". The recommendations made in the report offer mechanisms to improve the quality of care to people with developmental disabilities through improvements in state laws, Department of Health rules, and program operations.

The Department of Health submitted testimony recommending that the State Planning Council on Developmental Disabilities also be named as an agency responsible to review, evaluate and implement the recommendations as referenced in the report. The State Planning Council on Developmental Disabilities testified that they concur with this recommendation.

Thus your Committee has amended the section which begins "Be It Resolved" to include the State Planning Council on Developmental Disabilities.

Your Committee on Health concurs with the intent and purpose of H.R. No. 325, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 325, H.D. 1.

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

SCRep. 1318-90 Health on H.C.R. No. 313

The purpose of this concurrent resolution is to request the appropriate agencies to implement the recommendations in the Legislative Auditors report on the evaluation of the quality of care in homes serving people with developmental disabilities.

The Legislative Auditors Office has issued a report to the Governor and the Legislature entitled "Evaluation of the Quality of Care in Homes Serving People with Developmental Disabilities". The recommendations made in the report offer mechanisms to improve the quality of care to people with developmental disabilities through improvements in state laws, Department of Health rules, and program operations.

The Department of Health submitted testimony recommending that the State Planning Council on Developmental Disabilities also be named as an agency responsible to review, evaluate and implement the recommendations as referenced in the report. The State Planning Council on Developmental Disabilities testified that they concur with this recommendation.

Thus your Committee has amended the section which begins "Be It Resolved" to include the State Planning Council on Developmental Disabilities.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 313, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 313, H.D. 1.

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

SCRep. 1319-90 Higher Education and the Arts and Intergovernmental Relations and International Affairs on H.R. No. 51

The purpose of this resolution is to request the United States Postal Service to issue a commemorative stamp in honor of Duke Kahanamoku on the 100th anniversary of his birth.

Duke Kahanamoku, one of Hawaii's most illustrious citizens of the twentieth century, has promoted the true essence of Aloha to the people of the world through his international prominence in sports, and through his benevolent contributions to the State. Because the actions of Duke Kahanamoku continue to inspire the youth of our State and Nation, the issuance of a commemorative stamp on the 100th anniversary of his birth would serve as a fitting reminder of his numerous accomplishments and deeds.

Testimony in support of this measure was submitted by the Waikiki Improvement Association, the Outrigger Duke Kahanamoku Foundation, the Hilton Hotels Corporation, Local Motion, Blue Hawaii Surf, and the Representative of the twenty-fourth district.

Your Committees on Higher Education and the Arts and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 51 and recommend its adoption.

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

SCRep. 1320-90 Higher Education and the Arts and Intergovernmental Relations and International Affairs on H.C.R. No. 42

The purpose of this concurrent resolution is to request the United States Postal Service to issue a commemorative stamp in honor of Duke Kahanamoku on the 100th anniversary of his birth.

Duke Kahanamoku, one of Hawaii's most illustrious citizens of the twentieth century, has promoted the true essence of Aloha to the people of the world through his international prominence in sports, and through his benevolent contributions to the State. Because the actions of Duke Kahanamoku continue to inspire the youth of our State and Nation, the issuance of a commemorative stamp on the 100th anniversary of his birth would serve as a fitting reminder of his numerous accomplishments and deeds.

Testimony in support of this measure was submitted by the Waikiki Improvement Association, the Outrigger Duke Kahanamoku Foundation, the Hilton Hotels Corporation, Local Motion, Blue Hawaii Surf, and the Representative of the twenty-fourth district.

Your Committees on Higher Education and the Arts and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 42 and recommend its adoption.

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

SCRep. 1321-90 Higher Education and the Arts and Intergovernmental Relations and International Affairs on H.R. No. 236

The purpose of this resolution is to determine the feasibility of establishing overseas educational exchange centers. The establishment of overseas educational exchange centers would create opportunities to increase Hawaii's participation in international activities.

Testimony in support of this measure was submitted by the University of Hawaii.

Your Committees have amended this measure by:

- (1) Adding the Department of Education to the study for consultation purposes; and
- (2) Transmitting a copy of this measure to the Chairperson of the Board of Regents, the Superintendent of Education and the Chairperson of the Board of Education.

Your Committees on Higher Education and the Arts and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 236, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 236, H.D. 1.

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

SCRep. 1322-90 Higher Education and the Arts and Intergovernmental Relations and International Affairs on H.C.R. No. 222

The purpose of this concurrent resolution is to determine the feasibility of establishing overseas educational exchange centers. The establishment of overseas educational exchange centers would create opportunities to increase Hawaii's participation in international activities.

Testimony in support of this measure was submitted by the University of Hawaii.

Your Committees have amended this measure by:

- (1) Adding the Department of Education to the study for consultation purposes; and
- (2) Transmitting a copy of this measure to the Chairperson of the Board of Regents, the Superintendent of Education, and the Chairperson of the Board of Education.

Your Committees on Higher Education and the Arts and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 222, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 222, H.D. 1.

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

SCep. 1323-90 Higher Education and the Arts and Intergovernmental Relations and International Affairs on H.R. No. 167

The purpose of this resolution is to develop an exchange program with the University of the Philippines and explore similar exchange programs with Siliman University in Dumaguete and Xavier University in Cagayan de Oro.

The establishment of exchange programs between the University of Hawaii and universities in the Philippines will create opportunities for participants to teach, study, and conduct research involving Asia and Pacific issues as well as contribute to the overall professional development of the participating universities.

Testimony in support of this measure was submitted by the University of Hawaii, the University of the Philippines Alumni Association of Hawaii, the Oahu Filipino Community Council, and other interested parties.

Your Committees on Higher Education and the Arts and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 167, and recommend its adoption.

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

SCRep. 1324-90 Higher Education and the Arts and Intergovernmental Relations and International Affairs on H.C.R. No. 153

The purpose of this concurrent resolution is to develop an exchange program with the University of the Philippines and explore similar exchange programs with Siliman University in Dumaguete and Xavier University in Cagayan de Oro.

The establishment of exchange programs between the University of Hawaii and universities in the Philippines will create opportunities for participants to teach, study, and conduct research involving Asia and Pacific issues as well as contribute to the overall professional development of the participating universities.

Testimony in support of this measure was submitted by the University of Hawaii, the University of the Philippines Alumni Association of Hawaii, the Oahu Filipino Community Council, and other interested parties.

Your Committees on Higher Education and the Arts and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 153, and recommend its adoption.

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

SCRep. 1325-90 Higher Education and the Arts on H.R. No. 115

The purpose of this resolution is to call for the University of Hawaii at Manoa to actively recruit women and people of color for tenurable faculty positions.

Your Committee finds that there is severe underrepresentation of women and people of color in tenured and tenure-track positions. Currently, women comprise 54 percent of the student body at UH-Manoa, but only 18 percent of the current

tenured faculty are women. In addition, people of color comprise 76.1 percent of the student population, yet only 26 percent of the said positions are filled by people of color.

Your Committee received testimony in favor of the resolution from the University's President, the Women's Faculty Caucus, and many student groups and individuals.

Your Committee finds that the testimony received reflects the fact that underrepresentation has a significant effect on women and students of color, as well as on the faculty members who fall into those categories, by isolating these groups from the predominantly male, Caucasian faculty at the University.

Your Committee has amended the resolution by requesting that the University develop a comprehensive program of incentives for retention, in addition to actively recruiting women and people of color.

Your Committee has also made nonsubstantive amendments for the purpose of style and clarity.

Your Committee on Higher Education and the Arts is in accord 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. 1326-90 Higher Education and the Arts on H.C.R. No. 103

The purpose of this concurrent resolution is to call for the University of Hawaii at Manoa to actively recruit women and people of color for tenurable faculty positions.

Your Committee finds that there is severe underrepresentation of women and people of color in tenured and tenure-track positions. Currently, women comprise 54 percent of the student body at UH-Manoa, but only 18 percent of the current tenured faculty are women. In addition, people of color comprise 76.1 percent of the student population, yet only 26 percent of the said positions are filled by people of color.

Your Committee received testimony in favor of the concurrent resolution from the University's President, the Women's Faculty Caucus, and many student groups and individuals.

Your Committee finds that the testimony received reflects the fact that underrepresentation has a significant effect on women and students of color, as well as on the faculty members who fall into those categories, by isolating these groups from the predominantly male, Caucasian faculty at the University.

Your Committee has amended the concurrent resolution by requesting that the University develop a comprehensive program of incentives for retention, in addition to actively recruiting women and people of color.

Your Committee has also made nonsubstantive amendments for the purpose of style and clarity.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 103, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 103, H.D. 1.

Signed by all members of the Committee.

SCRep. 1327-90 Higher Education and the Arts on H.R. No. 237

The purpose of this resolution is to determine the feasibility of establishing a foreign service training program at the University of Hawaii.

A strong Foreign Service corps is essential to promoting diplomacy, good will, and communication between the United States and other countries as well as to insure the safe and smooth facilitation of American citizens traveling and living abroad. The establishment of a foreign service training program in Hawaii would expand career opportunities for residents who would like to serve in the Foreign Service corps.

Testimony in support of this measure was submitted by the University of Hawaii.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 237 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1328-90 Higher Education and the Arts on H.C.R. No. 223

The purpose of this concurrent resolution is to determine the feasibility of establishing a foreign service training program at the University of Hawaii.

A strong Foreign Service corps is essential to promoting diplomacy, good will, and communication between the United States and other countries as well as to insure the safe and smooth facilitation of American citizens traveling and living abroad. The establishment of a foreign service training program in Hawaii would expand career opportunities for residents who would like to serve in the Foreign Service corps.

Testimony in support of this measure was submitted by the University of Hawaii.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 223 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1329-90 Higher Education and the Arts on H.R. No. 177

The purpose of this resolution is to encourage the President of the University of Hawaii to negotiate and, if possible, settle without further litigation, gender-based grievances against the University.

Your Committee received emphatic testimony encouraging passage of H.R. No. 177 from the UH Faculty Women's Caucus, the Honolulu Women's Coalition, and the Hawaii State Commission on the Status of Women, as well as UH faculty members, students, and people from the community.

Testimony included statements that the University has rejected requests to meet with individuals and groups harboring complaints about the University's alleged discriminatory practices. Further testimony charged that avoiding a resolution of these complaints in a timely manner contributes to a sense of inherent injustice and hopelessness.

The President of the University testified that he does not feel it is appropriate for the University to discuss any of these matters publicly since one individual is in litigation with the University and others are in grievance proceedings.

Your Committee amended this resolution by adding another "whereas" clause. The purpose of this amendment is to encourage the University to reopen settlement discussions with all parties holding grievances against the University rather than relying on the legal system to resolve differences. This intent was further conveyed by amending the first "BE IT RESOLVED" clause to include urging the University to negotiate "without jeopardizing its legal position."

Your Committee also made some stylistic changes to the text and title of H.R. No. 177.

Your Committee on Higher Education and the Arts 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.

SCRep. 1330-90 Higher Education and the Arts on H.C.R. No. 160

The purpose of this concurrent resolution is to encourage the President of the University of Hawaii to negotiate and, if possible, settle without further litigation, gender-based grievances against the University.

Your Committee received emphatic testimony encouraging passage of H.C.R. No. 160 from the UH Faculty Women's Caucus, the Honolulu Women's Coalition, and the Hawaii State Commission on the Status of Women, as well as UH faculty members, students, and people from the community.

Testimony included statements that the University has rejected requests to meet with individuals and groups harboring complaints about the University's alleged discriminatory practices. Further testimony charged that avoiding a resolution of these complaints in a timely manner contributes to a sense of inherent injustice and hopelessness.

The President of the University testified that he does not feel it is appropriate for the University to discuss any of these matters publicly since one individual is in litigation with the University and others are in grievance proceedings.

Your Committee amended this concurrent resolution by adding another "whereas" clause. The purpose of this amendment is to encourage the University to reopen settlement discussions with all parties holding grievances against the University rather than relying on the legal system to resolve differences. This intent was further conveyed by amending the first "BE IT RESOLVED" clause to include urging the University to negotiate "without jeopardizing its legal position."

Your Committee also made some stylistic changes to the text and title of H.C.R. No. 160.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 160, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 160, H.D. 1.

Signed by all members of the Committee.

SCRep. 1331-90 Higher Education and the Arts on H.R. No. 207

The purpose of this resolution is to establish an office at the University of Hawaii that will exclusively assist victims of discrimination and would be answerable to the Governor. This resolution would also limit the scope and duties of the University of Hawaii's Equal Employment Opportunity and Affirmative Action Office by assigning it the exclusive function of a neutral investigator and eliminating the roles of counselor and respondent.

Testimony in support of the separation of the grievance office from the University of Hawaii was submitted by the University of Hawaii Women Faculty Caucus.

Your Committee has amended this resolution by requesting the Legislative Reference Bureau to review the function and mission of the Equal Employment Opportunity and Affirmative Action Office and, in conjunction with the University of Hawaii, perform a study on where such an office could independently exist and to whom the office would be answerable. Your Committee also made stylistic changes.

Your Committee on Higher Education and the Arts is in accord with the intent and purpose of H.R. No. 207, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 207, H.D. 1.

Signed by all members of the Committee.

SCRep. 1332-90 Higher Education and the Arts on H.C.R. No. 197

The purpose of this concurrent resolution is to establish an office at the University of Hawaii that will exclusively assist victims of discrimination and would be answerable to the Governor. This concurrent resolution would also limit the scope and duties of the University of Hawaii's Equal Employment Opportunity and Affirmative Action Office by assigning it the exclusive function of a neutral investigator and eliminating the roles of counselor and respondent.

Testimony in support of the separation of the grievance office from the University of Hawaii was submitted by the University of Hawaii Women Faculty Caucus.

Your Committee has amended this concurrent resolution by requesting the Legislative Reference Bureau to review the function and mission of the Equal Employment Opportunity and Affirmative Action Office and, in conjunction with the University of Hawaii, to perform a study on where such an office could independently exist and to whom the office would be answerable. Your Committee also made stylistic changes.

Your Committee on Higher Education and the Arts is in accord with the intent and purpose of H.C.R. No. 197, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 197, H.D. 1.

Signed by all members of the Committee.

SCRep. 1333-90 Higher Education and the Arts on H.R. No. 157

The purpose of this resolution is to endorse the Waikiki Aquarium's mission statement composed by the Aquarium's staff.

Your Committee heard testimony in support of this resolution from the Director of the Waikiki Aquarium.

According to the Director's testimony, the Waikiki Aquarium is a University of Hawaii museum but has operated for decades under a vague, official statement of purpose. The testimony further stated that the Aquarium must set its mission within the context of the University of Hawaii's mission of education, research, and public service. Because of the new School of Ocean and Earth Sciences and Technology has devoted considerable effort in recent months developing its long-range mission, it follows that as a part of the School, the Aquarium should too re-examine its purpose.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 157 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1334-90 Higher Education and the Arts on H.C.R. No. 143

The purpose of this concurrent resolution is to endorse the Waikiki Aquarium's mission statement composed by the Aquarium's staff.

Your Committee heard testimony in support of this concurrent resolution from the Director of the Waikiki Aquarium.

According to the Director's testimony, the Waikiki Aquarium is a University of Hawaii museum but has operated for decades under a vague, official statement of purpose. The testimony further stated that the Aquarium must set its mission within the context of the University of Hawaii's mission of education, research, and public service. Because of the new School of Ocean and Earth Sciences and Technology has devoted considerable effort in recent months developing its long-range mission, it follows that as a part of the School, the Aquarium should too re-examine its purpose.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 143 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1335-90 Higher Education and the Arts on H.R. No. 272

The purpose of this resolution is to have the President of the University of Hawaii and the Hawaii Women's Faculty Caucus to undertake a study to examine why disparity of status still exists between men and women faculty and to identify solutions, with costs analysis, that would eliminate the status disparity.

Your Committee heard testimony in support of this resolution from the President of the University of Hawaii and the Hawaii Women's Faculty Caucus.

Your Committee has amended this resolution to allow the University of Hawaii to include a research design and associated budget items as part of its 1991-93 biennium budget request if such a study proves otherwise too costly.

Your Committee has also made stylistic changes.

Your Committee on Higher Education and the Arts is in accord with the intent and purpose of H.R. No. 272, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 272, H.D. 1.

Signed by all members of the Committee.

SCRep. 1336-90 Higher Education and the Arts on H.C.R. No. 259

The purpose of this concurrent resolution is to have the President of the University of Hawaii and the Hawaii Women's Faculty Caucus to undertake a study to examine why disparity of status still exists between men and women faculty and to identify solutions, with costs analysis, that would eliminate the status disparity.

Your Committee heard testimony in support of this concurrent resolution from the President of the University of Hawaii and the Hawaii Women's Faculty Caucus.

Your Committee has amended this concurrent resolution to allow the University of Hawaii to include a research design and associated budget items as part of its 1991-93 biennium budget request if such a study proves otherwise too costly.

Your Committee has also made stylistic changes.

Your Committee on Higher Education and the Arts is in accord with the intent and purpose of H.C.R. No. 259, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 259, H.D. 1.

Signed by all members of the Committee.

SCRep. 1337-90 Higher Education and the Arts on H.R. No. 235

The purpose of this resolution is to convene a task force to determine the feasibility of establishing a center for the study of Australian and New Zealand cultures at the University of Hawaii.

The establishment of a center for the study of Australian and New Zealand cultures would enable the State to learn and develop an understanding of the history, culture, language, and economy of each country as well as create opportunities for the State to expand and stimulate economic trade and facilitate the growth and diversity of new markets.

Testimony in support of this measure was submitted by the University of Hawaii.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 235 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1338-90 Higher Education and the Arts on H.C.R. No. 221

The purpose of this concurrent resolution is to convene a task force to determine the feasibility of establishing a center for the study of Australian and New Zealand cultures at the University of Hawaii.

The establishment of a center for the study of Australian and New Zealand cultures would enable the State to learn and develop an understanding of the history, culture, language, and economy of each country as well as create opportunities for the State to expand and stimulate economic trade and facilitate the growth and diversity of new markets.

Testimony in support of this measure was submitted by the University of Hawaii.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 221 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1339-90 Higher Education and the Arts on H.R. No. 223

The purpose of this resolution is to request the University of Hawaii College of Education, with the assistance of the Department of Education, to undertake a study as to the feasibility of establishing a Professional Development School (PDS) as a pilot project.

Your Committee received testimony supporting the concept and intent of H.R. No. 223 from the College of Education and the superintendent of education. As the Department of Education testified, a Professional Development School would create an environment for the education of educators and school renewal where educators are at the cutting edge of educational excellence.

The resolution was amended to make the College of Education the primary entity responsible for the study with the Department of Education providing assistance. Your Committee also amended H.R. No. 223 to make the PDS at the Makai campus a pilot project for the State.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 223, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 223, H.D. 1.

Signed by all members of the Committee.

SCRep. 1340-90 Higher Education and the Arts on H.C.R. No. 209

The purpose of this concurrent resolution is to request the University of Hawaii College of Education, with the assistance of the Department of Education, to undertake a study as to the feasibility of establishing a Professional Development School (PDS) as a pilot project.

Your Committee received testimony supporting the concept and intent of H.C.R. No. 209 from the College of Education and the superintendent of education. As the Department of Education testified, a Professional Development School would create an environment for the education of educators and school renewal where educators are at the cutting edge of educational excellence.

The concurrent resolution was amended to make the College of Education the primary entity responsible for the study with the Department of Education providing assistance. Your Committee also amended H.C.R. No. 209 to make the PDS at the Makai campus a pilot project for the State.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 209, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 209, H.D. 1.

Signed by all members of the Committee.

SCRep. 1341-90 Higher Education and the Arts on H.R. No. 300

The purpose of this resolution is to request the Governor of Hawaii to proclaim the month of August 1990 "Duke Kahanamoku Month".

This year marks the 100th birthday of this Hawaii-born Olympian and world-renowned athlete. The festivities and events being planned recognize Duke Kahanamoku for the many contributions he made to the sports community and the community at-large.

Testimony in support of this measure was submitted by the Waikiki Improvement Association and the Hilton Hotels Corporation.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 300 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1342-90 Higher Education and the Arts on H.C.R. No. 274

The purpose of this concurrent resolution is to request the Governor of Hawaii to proclaim the month of August 1990 "Duke Kahanamoku Month".

This year marks the 100th birthday of this Hawaii-born Olympian and world-renowned athlete. The festivities and events being planned recognize Duke Kahanamoku for the many contributions he made to the sports community and the community at-large.

Testimony in support of this measure was submitted by the Waikiki Improvement Association and the Hilton Hotels Corporation.

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

Signed by all members of the Committee.

SCRep. 1343-90 Education on H.R. No. 259

The purpose of this resolution, as received by your Committee, was to request that the Department of Education and the Board of Education provide a safe school environment.

Testimony in opposition of the measure was submitted by the Department of Education (DOE). The DOE testified that it provided the "best" safe school environment it could within the resources appropriated.

Your Committee, therefore, has amended this measure by:

- (1) Amending the title to commend the Department of Education and Mr. Lex Brodie for ensuring the provision of a safe and clean school environment;
- (2) Deleting most of the substance and inserting language to reflect the rationale, efforts and achievements of the newly implemented school inspection program; and
- (3) Making other nonsubstantive, technical revisions for purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.R. No. 259, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 259, H.D. 1.

Signed by all members of the Committee.

SCRep. 1344-90 Education on H.C.R. No. 247

The purpose of this concurrent resolution, as received by your Committee, was to request that the Department of Education and the Board of Education provide a safe school environment.

Testimony in opposition of the measure was submitted by the Department of Education (DOE). The DOE testified that it provided the "best" safe school environment it could within the resources appropriated.

Your Committee, therefore, has amended this measure by:

- (1) Amending the title to commend the Department of Education and Mr. Lex Brodie for ensuring the provision of a safe and clean school environment;
- (2) Deleting most of the substance and inserting language to reflect the rationale, efforts and achievements of the newly implemented school inspection program; and
- (3) Making other nonsubstantive, technical revisions for purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 247, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 247, H.D. 1.

Signed by all members of the Committee.

SCRep. 1345-90 Education on H.R. No. 122

The purpose of this resolution is to request that the Department of Education conduct a comprehensive overview of the special education program's staffing requirements.

A comprehensive overview involving the structure of the components and personnel of the special education program and a plan to address the program's staffing requirements as well as improve the provision of special education services is necessary to ensure the rights of free public education for those who are handicapped or suspected of being handicapped.

Testimony in support of this measure was submitted by the Department of Education and the Department of Personnel Services.

Your Committee has amended this measure by:

- (1) Amending the title to request that the Department of Education conduct a comprehensive overview of the structure of components and personnel of the State's special education program;
- (2) Deleting most of the substance and inserting new material reflecting the procedures followed to provide special education program services for children who are handicapped or suspected of being handicapped;
- (3) Inserting material reflecting the difficulty of implementing the requirements of the special education program, such as the inability to meet evaluation timelines because of heavy workloads and the shortage of staff;
- (4) Amending the request to conduct a comprehensive overview to involve a structure of components and personnel of the special education program, and the request for a plan to address the program's staffing requirements by calling for the development of a plan, including an implementation timetable and appropriate cost analysis of the State's special education services;

- (5) Inserting a list of issues and concerns that the Committee would like the plan, implementation timetable, and cost analysis to address;
- (6) Requesting that the Department of Education convene a task force to include all parties interested in special education to assist in the development of the plan, implementation timetable, and appropriate cost analysis; and
- (7) Making other technical, nonsubstantive revisions for purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.R. No. 122, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 122, H.D. 1.

Signed by all members of the Committee.

SCRep. 1346-90 Education on H.C.R. No. 110

The purpose of this concurrent resolution is to request that the Department of Education conduct a comprehensive overview of the special education program's staffing requirements.

A comprehensive overview involving the structure of the components and personnel of the special education program and a plan to address the program's staffing requirements as well as improve the provision of special education services is necessary to ensure the rights of free public education for those who are handicapped or suspected of being handicapped.

Testimony in support of this measure was submitted by the Department of Education and the Department of Personnel Services.

Your Committee has amended this measure by:

- (1) Amending the title to request that the Department of Education conduct a comprehensive overview of the structure of components and personnel of the State's special education program;
- (2) Deleting most of the substance and inserting new material reflecting the procedures followed to provide special education program services for children who are handicapped or suspected of being handicapped;
- (3) Inserting material reflecting the difficulty of implementing the requirements of the special education program, such as the inability to meet evaluation timelines because of heavy workloads and the shortage of staff;
- (4) Amending the request to conduct a comprehensive overview to involve a structure of components and personnel of the special education program, and the request for a plan to address the program's staffing requirements by calling for the development of a plan, including an implementation timetable and appropriate cost analysis of the State's special education services;
- (5) Inserting a list of issues and concerns that the Committee would like the plan, implementation timetable, and cost analysis to address;
- (6) Requesting that the Department of Education convene a task force to include all parties interested in special education to assist in the development of the plan, implementation timetable, and appropriate cost analysis; and
- (7) Making other technical, nonsubstantive revisions for purposes of style and clarity.

Your Committee on Education 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.

SCRep. 1347-90 Education on H.C.R. No. 117

The purpose of this concurrent resolution is to request the Department of Education to describe its long-range plans to reduce class size in grades K-12 and a full range of alternative scenarios with respect to class size reduction.

Testimony submitted by the Department of Education and the Hawaii State Teachers Association supported this measure.

Your Committee has amended this resolution to request the Department of Education to include a report on the effect of class size reduction on the need for new or renovated school facilities.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 117, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 117, H.D. 1.

Signed by all members of the Committee.

SCRep. 1348-90 Judiciary on H.R. No. 260 (Majority)

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study on the feasibility of developing and promoting a pari-mutuel horse racing industry in Hawaii.

Testimony was received in favor of this resolution by your Committee from a representative of the community.

Your Committee understands that pari-mutuel horse racing has been approved in forty-four other states and is strictly regulated by the federal and state governments. Your Committee believes a study by a government agency into the possible economic benefits of developing a pari-mutuel horse racing industry is worth considering and, therefore, approves this resolution accordingly.

Your Committee on Judiciary is in accord with the intent and purpose of H.R. No. 260 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Hirono, Peters and Cavasso.
(Representatives Hagino and Shon did not concur.)

SCRep. 1349-90 Judiciary on H.C.R. No. 334 (Majority)

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study on the feasibility of developing and promoting a pari-mutuel horse racing industry in Hawaii.

Testimony was received in favor of this concurrent resolution by your Committee from a representative of the community.

Your Committee understands that pari-mutuel horse racing has been approved in forty-four other states and is strictly regulated by the federal and state governments. Your Committee believes a study by a government agency into the possible economic benefits of developing a pari-mutuel horse racing industry is worth considering and, therefore, approves this concurrent resolution accordingly.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 334 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Hirono, Peters and Cavasso.
(Representatives Hagino and Shon did not concur.)

SCRep. 1350-90 Ocean and Marine Resources on H.R. No. 279

The purpose of this resolution is to urge the University of Hawaii Sea Grant College Program to provide funding for fiscal biennium 1991-1993 for the project titled Legal and Policy Issues Created by the Extension of the U.S. Territorial Sea from Three to Twelve Miles submitted by Jon M. Van Dyke and M. Casey Jarman.

In 1988, President Reagan issued Presidential Proclamation 5928 extending the United States territorial sea from three to twelve miles creating many substantial, unanswered, legal issues involving state and federal jurisdiction over the three to twelve mile area.

A preliminary proposal submitted to Sea Grant by Jon M. Van Dyke and M. Casey Jarman to prepare a publication on the legal issues raised by Proclamation 5928 will provide a resource for state, regional and national legislators so that informed decisions about marine environment can be made.

Your Committee received testimony in support of this resolution from the University of Hawaii Sea Grant College Program.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 279 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1351-90 Ocean and Marine Resources on H.C.R. No. 266

The purpose of this concurrent resolution is to urge the University of Hawaii Sea Grant College Program to provide funding for fiscal biennium 1991-1993 for the project titled Legal and Policy Issues Created by the Extension of the U.S. Territorial Sea from Three to Twelve Miles submitted by Jon M. Van Dyke and M. Casey Jarman.

In 1988, President Reagan issued Presidential Proclamation 5928 extending the United States territorial sea from three to twelve miles creating many substantial, unanswered, legal issues involving state and federal jurisdiction over the three to twelve mile area.

A preliminary proposal submitted to Sea Grant by Jon M. Van Dyke and M. Casey Jarman to prepare a publication on the legal issues raised by Proclamation 5928 will provide a resource for state, regional and national legislators so that informed decisions about marine environment can be made.

Your Committee received testimony in support of this concurrent resolution from the University of Hawaii Sea Grant College Program.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 266 and recommends its adoption.

Signed by all members of the Committee except Representative Hagino.

SCRep. 1352-90 Ocean and Marine Resources and Water and Land Use on H.C.R. No. 158

The purpose of this bill is to allow disposition of submerged lands in the area of the Aloha Tower by lease to the Aloha Tower Development Corporation in order to undertake the redevelopment of the Aloha Tower Complex, in accordance with the development plan.

Your Committees heard supportive testimony from the Department of Transportation, the Aloha Tower Development Corporation and the Aloha Tower Associates concerning this resolution.

The testimony indicated that the land in question has boundaries of pier 5 on the Diamond Head side and pier 14 on the Ewa side and that the acquisition of this land is required for the development to proceed. The submerged lands are divided into three types: a) for construction; b) for temporary construction (area for facilities which will be removed upon completion of the project); and c) not for construction. It is further stated that a map included in the testimony is preferable to that which was attached to the Senate version as it more clearly shows the proposed area and more correctly defines the submerged lands and the intent for construction.

Testimony also brought forward the fact that since the Aloha Tower Development Corporation is a State agency and will handle all future leasing (pursuant to HRS Chapter 206J), land development will always be regulated by the development plan.

Your Committees have amended the resolution to include the project description entitled, "Development Area for the Aloha Tower Complex," which delineates the project area. In addition, a map is included which shows the Aloha Tower development area and shows the submerged lands in relation to existing facilities, as described above.

Your Committees on Ocean and Marine Resources and Water and Land Use concur with the intent and purpose of H.C.R. No. 158, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 158, H.D. 1.

Signed by all members of the Committees except Representatives Apo, Say and Hemmings.

SCRep. 1353-90 Ocean and Marine Resources and Health on H.R. No. 215

The purpose of this resolution is to request the Department of Health to compile information regarding all public or private projects completed or ongoing within the State of Hawaii regarding Ciguatera and to study and summarize the information.

Presently, the Department of Health works in conjunction with the Department of Land and Natural Resources through the Ciguatera Advisory Committee. The simplified one-step Ciguatera test is currently undergoing its testing phase.

The latest report called "A Plan for Ciguatera Research in the Pacific" (December 1981) was compiled out of the Summary Report of the Pacific Ciguatera Workshop held in Honolulu in March 1981. Your Committees find that an updated report should be submitted to the Legislature.

Your Committees received testimony in support of this resolution from the Department of Health and the Hawaii Food Industry Association.

Testimony revealed that the increasing number of cases of Ciguatera poisoning is a major concern and that it is important to do everything possible to assure the integrity of the fish that is sold.

Your Committees on Ocean and Marine Resources and Health concur with the intent and purpose of H.R. No. 215 and recommend its adoption.

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

SCRep. 1354-90 Transportation and Intergovernmental Relations and International Affairs on H.R. No. 249

The purpose of this resolution is to petition the United States Congress to remove the Highway Trust Fund from the Unified Federal Budget and to protect this fund from non-transportation related projects and programs. This resolution also requests the United States Congress to repay funds which have been borrowed from the trust fund and that the moneys within the Highway Trust Fund be released to the States for highway projects.

Your Committees received testimony from the Department of Transportation.

Your Committees find that the Federal Highway Trust Fund was initiated for the specific purpose of financing highway projects. However, your Committees find that the non-apportioned funds and the withheld interest in the Highway Trust

Fund have been borrowed for non-highway related purposes. Your Committees also find that the Highway Trust Fund has been made a part of the Unified Federal Budget, thereby subjecting it to arbitrary expenditure ceilings for the purpose of reducing the national deficit, despite the fact that Trust Fund expenditures do not contribute to the federal deficit. Your Committees further find that the imposition of this ceiling has resulted in the accumulation of \$9 billion in unapportioned highway funds. Your Committees agree that these funds should be released to the states to finance state highway projects.

Your Committees have made nonsubstantive changes for purposes of style and clarity.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 249, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 249, H.D. 1.

Signed by all members of the Committees except Representatives Hirayama and Horita.

SCRep. 1355-90 Transportation and Intergovernmental Relations and International Affairs on H.C.R. No. 235

The purpose of this concurrent resolution is to petition the United States Congress to remove the Highway Trust Fund from the Unified Federal Budget and to protect this fund from non-transportation related projects and programs. This concurrent resolution also requests the United States Congress to repay funds which have been borrowed from the trust fund and that the moneys within the Highway Trust Fund be released to the States for highway projects.

Your Committees received testimony from the Department of Transportation.

Your Committees find that the Federal Highway Trust Fund was initiated for the specific purpose of financing highway projects. However, your Committees find that the non-apportioned funds and the withheld interest in the Highway Trust Fund have been borrowed for non-highway related purposes. Your Committees also find that the Highway Trust Fund has been made a part of the Unified Federal Budget, thereby subjecting it to arbitrary expenditure ceilings for the purpose of reducing the national deficit, despite the fact that Trust Fund expenditures do not contribute to the federal deficit. Your Committees further find that the imposition of this ceiling has resulted in the accumulation of \$9 billion in unapportioned highway funds. Your Committees agree that these funds should be released to the states to finance state highway projects.

Your Committees have made nonsubstantive changes for purposes of style and clarity.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 235, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 235, H.D. 1.

Signed by all members of the Committees except Representatives Hirayama and Horita.

SCRep. 1356-90 Health; Consumer Protection and Commerce; and Intergovernmental Relations and International Affairs on H.R. No. 106

The purpose of this resolution is to ask the Department of Health to study the liability of organizations which donate charitable services to the needy and to devise criteria to protect these health care organizations from liability arising from the provisions of these services in Hawaii and abroad.

Your Committees heard testimony in support of this measure from the Aloha Medical Mission, the Hawaii Academy of Plaintiff's Attorneys, and a member of the Philippine Medical Association of Hawaii. Your Committees heard support for the intent of the resolution from the Department of Health. However, the Department also expressed concern that neither it, nor most of the members of the proposed task force, has the legal expertise or personnel to provide the requested recommendations.

Your Committees believes that this measure is more a health services issue than a legal one, and that the problem expressed here goes to the heart of the Department of Health's desire to reach out to the medically underserved populations of Hawaii. Your Committees also notes that while this resolution addresses protecting health care organizations from liability, the liability of individual health care professionals performing charitable medical services also deserves consideration. With these thoughts in mind, your Committees wish to see the Department of Health head up a task force to address this issue, and have made the following changes:

- (1) The title and the appropriate portions of the body of the resolution have been changed to indicate that the Department of Health is requested to convene a task force to advise the legislature on the issue of protecting both health care organizations and individual health professionals from liability when they perform charitable medical services.
- (2) In order to add to the expertise of the task force, your Committees have included representatives from the Insurance Commission and the Attorney General's office to the group.

Your Committees on Health, Consumer Protection and Commerce, and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 106, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 106, H.D. 1.

Signed by all members of the Committees except Representatives Baker, Hirayama, Souki, Yoshimura and Liu.

SCRep. 1357-90 Health; Consumer Protection and Commerce; and Intergovernmental Relations and International Affairs on H.C.R. No. 92

The purpose of this concurrent resolution is to ask the Department of Health to study the liability of organizations which donate charitable services to the needy and to devise criteria to protect these health care organizations from liability arising from the provisions of these services in Hawaii and abroad.

Your Committees heard testimony in support of this measure from the Aloha Medical Mission, the Hawaii Academy of Plaintiff's Attorneys, and a member of the Philippine Medical Association of Hawaii. Your Committees heard support for the intent of the concurrent resolution from the Department of Health. However, the Department also expressed concern that neither it, nor most of the members of the proposed task force, has the legal expertise or personnel to provide the requested recommendations.

Your Committees believes that this measure is more a health services issue than a legal one, and that the problem expressed here goes to the heart of the Department of Health's desire to reach out to the medically underserved populations of Hawaii. Your Committees also notes that while this resolution addresses protecting health care organizations from liability, the liability of individual health care professionals performing charitable medical services also deserves consideration. With these thoughts in mind, your Committees wish to see the Department of Health head up a task force to address this issue, and have made the following changes:

- (1) The title and the appropriate portions of the body of the concurrent resolution have been changed to indicate that the Department of Health is requested to convene a task force to advise the legislature on the issue of protecting both health care organizations and individual health professionals from liability when they perform charitable medical services.
- (2) In order to add to the expertise of the task force, your Committees have included representatives from the Insurance Commission and the Attorney General's office to the group.

Your Committees on Health, Consumer Protection and Commerce, and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 92, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 92, H.D. 1.

Signed by all members of the Committees except Representatives Baker, Hirayama, Souki, Yoshimura and Liu.

SCRep. 1358-90 Health and Human Services on H.R. No. 194 (Majority)

The purpose of this resolution is to form a task force to conduct an needs assessment of school-based clinics, with the focus on Wallace Rider Farrington High School.

Your Committees heard testimony in support of the intent of this measure from the Department of Health. However, the Department indicated reservations as to the scope of the study being too narrow if it is limited to Farrington and suggested a statewide need survey, preferably linked to the H.R. 355 teen pregnancy study. The Department's other reservations were that the task force needs to include a nurse, Department of Health, and Department of Education representatives, and that there is a need to fund a study coordinator and expenses for the study's implementation.

Your Committees find that there is a need:

1. To extend the scope of this study to include high schools statewide;
2. For the task force to address the manner in which parents are to be involved in the health services their children are receiving; and
3. To expand the representation on the task force to include those suggested by the Department of Health.

The resolution has been amended to reflect these findings.

Your Committees on Health and Human Services concur with the intent and purpose of H.R. No. 194, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 194, H.D. 1.

Signed by all members of the Committees except Representatives M. Ige, Tam and Liu.
(Representative Cavasso did not concur.)

SCRep. 1359-90 Health and Human Services on H.C.R. No. 181 (Majority)

The purpose of this concurrent resolution is to form a task force to conduct an needs assessment of school-based clinics, with the focus on Wallace Rider Farrington High School.

Your Committees heard testimony in support of the intent of this measure from the Department of Health. However, the Department indicated reservations as to the scope of the study being too narrow if it is limited to Farrington and suggested a statewide need survey, preferably linked to the H.R. 355 teen pregnancy study. The Department's other reservations were that the task force needs to include a nurse, Department of Health, and Department of Education representatives, and that there is a need to fund a study coordinator and expenses for the study's implementation.

Your Committees find that there is a need:

1. To extend the scope of this study to include high schools statewide;
2. For the task force to address the manner in which parents are to be involved in the health services their children are receiving; and
3. To expand the representation on the task force to include those suggested by the Department of Health.

The resolution has been amended to reflect these findings.

Your Committees on Health and Human Services concur with the intent and purpose of H.C.R. No. 181, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 181, H.D. 1.

Signed by all members of the Committees except Representatives M. Ige, Tam and Liu.
(Representative Cavasso did not concur.)

SCRep. 1360-90 Health and Human Services on H.R. No. 326

The purpose of this resolution is:

1. To have the Legislature adopt the mission statement developed by Project Po'ohala;
2. To have the State Planning Council on Developmental Disabilities, in cooperation with Project Po'ohala, submit to the Legislature a plan to enhance and expand family support services to families of persons with disabilities.

Your Committees heard testimony in support of this measure from the Department of Health, the State Planning Council on Developmental Disabilities, Special Parent Information Network, Protection and Advocacy Agency of Hawaii, Project Po'ohala Family Forum chairpersons from the islands of Hawaii, Kauai, and Molokai, and an officer of Hawaii Families as Allies.

Your Committees on Health and Human Services concur with the intent and purpose of H.R. No. 326, and recommend its adoption.

Signed by all members of the Committees except Representative Liu.

SCRep. 1361-90 Health and Human Services on H.C.R. No. 314

The purpose of this resolution is:

1. To have the Legislature adopt the mission statement developed by Project Po'ohala;
2. To have the State Planning Council on Developmental Disabilities, in cooperation with Project Po'ohala, submit to the Legislature a plan to enhance and expand family support services to families of persons with disabilities.

Your Committees heard testimony in support of this measure from the Department of Health, the State Planning Council on Developmental Disabilities, Special Parent Information Network, Protection and Advocacy Agency of Hawaii, Project Po'ohala Family Forum chairpersons from the islands of Hawaii, Kauai, and Molokai, and an officer of Hawaii Families as Allies.

Your Committees on Health and Human Services concur with the intent and purpose of H.C.R. No. 314, and recommend its adoption.

Signed by all members of the Committees except Representative Liu.

SCRep. 1362-90 Health on H.R. No. 346

The purpose of this resolution is to request the Commission on Persons with Disabilities to examine issues relating to head injury.

Your Committee heard testimony in support of this measure from the Department of Health, the Department of Human Services, Pacific Head Injury Foundation, Hawaii Centers for Independent Living, the manager of the Brain Injury Program at the Rehabilitation Hospital of the Pacific, and numerous individuals who had either experienced head injury personally, or whose family member had received this type of injury.

Your Committee finds that there is a need for more extensive data in order to develop a full understanding of the needs of people with head injuries and their families. Your Committee believes that a review of models of treatment and services in existence in other states may be valuable and has added this to the work of the Commission. Your Committee has also added representatives from the following organizations to the advisory committee:

1. State Health Planning and Development Agency,
2. Epilepsy Foundation,
3. Pacific Basin Research and Training Center of the University of Hawaii, and
4. Rehabilitation Hospital of the Pacific.

Your Committee on Health 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 Peters and Liu.

SCRep. 1363-90 Health on H.C.R. No. 336

The purpose of this concurrent resolution is to request the Commission on Persons with Disabilities to examine issues relating to head injury.

Your Committee heard testimony in support of this measure from the Department of Health, the Department of Human Services, Pacific Head Injury Foundation, Hawaii Centers for Independent Living, the manager of the Brain Injury Program at the Rehabilitation Hospital of the Pacific, and numerous individuals who had either experienced head injury personally, or whose family member had received this type of injury.

Your Committee finds that there is a need for more extensive data in order to develop a full understanding of the needs of people with head injuries and their families. Your Committee believes that a review of models of treatment and services in existence in other states may be valuable and has added this to the work of the Commission. Your Committee has also added representatives from the following organizations to the advisory committee:

1. State Health Planning and Development Agency,
2. Epilepsy Foundation,
3. Pacific Basin Research and Training Center of the University of Hawaii, and
4. Rehabilitation Hospital of the Pacific.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 336, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 336, H.D. 1.

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

SCRep. 1364-90 Health on H.R. No. 345

The purpose this measure is to increase awareness and prevention of human immunodeficiency virus (HIV) among high risk adolescents.

Your Committee heard testimony in support of this measure from the Department of Health, the Department of Education, the Governor's Committee on AIDS, the Life Foundation, and the Hawaii Nurses' Association.

Your Committee agrees with the testimony presented by the Department of Health that it is risky behaviors that are being targeted in our education, not risk groups. Therefore, your Committee would like to see agencies providing outreach and in-house education present HIV education to all the adolescents with whom they have contact. Your Committee has made the following changes to this measure to express its intent:

1. The words "high risk" have been removed from the title of the resolution, the 1st line of the 8th paragraph, and the 5th line of the line of the 13th paragraph.
2. The 11th paragraph of the measure has been changed to read: "BE IT RESOLVED by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1990, that any organization serving adolescents is urged to provide culturally sensitive, age appropriate HIV prevention information and education to their clients and staff as part of both their outreach and in-house educational services; and",

Your Committee has also added the following agencies to those being urged to encourage, facilitate, and coordinate existing and future activities and services to meet the needs of adolescents:

1. the Department of Education,

2. the Department of Corrections,
3. the Office of Children and Youth.

Your Committee on Health concurs with the intent and purpose of H.R. No. 345, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 345, H.D. 1.

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

SCRep. 1365-90 Health on H.C.R. No. 335

The purpose this measure is to increase awareness and prevention of human immunodeficiency virus (HIV) among high risk adolescents.

Your Committee heard testimony in support of this measure from the Department of Health, the Department of Education, the Governor's Committee on AIDS, the Life Foundation, and the Hawaii Nurses' Association.

Your Committee agrees with the testimony presented by the Department of Health that it is risky behaviors that are being targeted in our education, not risk groups. Therefore, your Committee would like to see agencies providing outreach and in-house education present HIV education to all the adolescents with whom they have contact. Your Committee has made the following changes to this measure to express its intent:

1. The words "high risk" have been removed from the title of the concurrent resolution, the 1st line of the 8th paragraph, and the 5th line of the line of the 13th paragraph.
2. The 11th paragraph of the measure has been changed to read: "BE IT RESOLVED by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1990, that any organization serving adolescents is urged to provide culturally sensitive, age appropriate HIV prevention information and education to their clients and staff as part of both their outreach and in-house educational services; and",

Your Committee has also added the following agencies to those being urged to encourage, facilitate, and coordinate existing and future activities and services to meet the needs of adolescents:

1. the Department of Education,
2. the Department of Corrections,
3. the Office of Children and Youth.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 335, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 335, H.D. 1.

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

SCRep. 1366-90 Health on H.R. No. 274

The purpose of this resolution is to request the Department of Health to conduct a study on the feasibility of operating a mobile mammography screening unit for the neighbor islands.

It is a well accepted fact that the use of screening mammography and palpation is an excellent tool for the early detection of breast cancer. At present Castle Hospital is operating a mobile van in various sectors of Oahu which has met with great demand for service, specifically from the business community.

There are at least 3 or 4 mammographic units in hospitals and clinics on each of the neighbor islands except for Molokai, Lanai and Niihau. The accessibility to these units or medical care in general is difficult due to the rural nature of the neighbor islands. It has been reported that many islands residents are not able to take advantage of neighbor island health resources due to lack of transportation and other financial barriers.

Your Committee heard testimony from the Department of Health, Kapiolani Medical Center for Women and Children and the American Cancer Society in support of this resolution.

Your Committee, upon further consideration and after analyzing the testimony would like to broaden the resolution. Improving accessibility to all health services in the rural areas of Hawaii is a priority to improving the health status of all persons. The Department of Health indicated that it is of more importance to educate the public as to the importance of mammography and other preventive services and encourage the private sector to do the outreach services. The Department of Health was unsure as to which method of providing services would have the most effectiveness; that of 1. transporting patients to services or 2. providing health care via an outreach within the community. It became clear that the Department of Health has no coherent plan for providing outreach services in the rural areas of Hawaii at this point in time.

Your Committee finds that a Mobile Health Van which would provide a number of screening, preventive and basic health services might be beneficial to the population, cost effective and an efficient method of providing services.

Your Committee has therefore amended this resolution by broadening it to include a long range strategic plan that would include additional screening and preventive services in addition to mammography. The Department of Health is to include in the strategic plan an outline for providing screening and preventive services and other related health services via van to the rural areas in the State of Hawaii. In addition, if deemed feasible, a plan outlining and detailing how patients would be transported into areas where services are available. Factors to be considered are those of accessibility, cost effectiveness, availability, liability of transporting clients by the State, organizations already providing these services and identification of others.

Your Committee has also amended the title of this resolution to reflect the broadening of intent.

Your Committee on Health concurs with the intent and purpose of H.R. No. 274, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 274, H.D. 1.

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

SCRep. 1367-90 Health on H.C.R. No. 261

The purpose of this concurrent resolution is to request the Department of Health to conduct a study on the feasibility of operating a mobile mammography screening unit for the neighbor islands.

It is a well accepted fact that the use of screening mammography and palpation is an excellent tool for the early detection of breast cancer. At present Castle Hospital is operating a mobile van in various sectors of Oahu which has met with great demand for service, specifically from the business community.

There are at least 3 or 4 mammographic units in hospitals and clinics on each of the neighbor islands except for Molokai, Lanai and Niihau. The accessibility to these units or medical care in general is difficult due to the rural nature of the neighbor islands. It has been reported that many islands residents are not able to take advantage of neighbor island health resources due to lack of transportation and other financial barriers.

Your Committee heard testimony from the Department of Health, Kapiolani Medical Center for Women and Children and the American Cancer Society in support of this concurrent resolution.

Your Committee, upon further consideration and after analyzing the testimony would like to broaden the concurrent resolution. Improving accessibility to all health services in the rural areas of Hawaii is a priority to improving the health status of all persons. The Department of Health indicated that it is of more importance to educate the public as to the importance of mammography and other preventive services and encourage the private sector to do the outreach services. The Department of Health was unsure as to which method of providing services would have the most effectiveness; that of 1. transporting patients to services or 2. providing health care via an outreach within the community. It became clear that the Department of Health has no coherent plan for providing outreach services in the rural areas of Hawaii at this point in time.

Your Committee finds that a Mobile Health Van which would provide a number of screening, preventive and basic health services might be beneficial to the population, cost effective and an efficient method of providing services.

Your Committee has therefore amended this concurrent resolution by broadening it to include a long range strategic plan that would include additional screening and preventive services in addition to mammography. The Department of Health is to include in the strategic plan an outline for providing screening and preventive services and other related health services via van to the rural areas in the State of Hawaii. In addition, if deemed feasible, a plan outlining and detailing how patients would be transported into areas where services are available. Factors to be considered are those of accessibility, cost effectiveness, availability, liability of transporting clients by the State, organizations already providing these services and identification of others.

Your Committee has also amended the title of this concurrent resolution to reflect the broadening of intent.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 261, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 261, H.D. 1.

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

SCRep. 1368-90 Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs on H.R. No. 283

The purpose of this measure is to urge the United States Fish and Wildlife Service to re-establish the use of recovery teams for recovery plan development and implementation, and to also encourage the inclusion of species that currently do not have such plans.

Testimony was provided by the Department of Natural Resources, the Natural Resources Defense Council, and the Conservation Council for Hawaii. All testimony indicated that private landowners should be included in the recovery teams, since many species are located only on private property. Your Committees have amended this measure accordingly.

Your Committees on Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 283, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 283, H.D. 1.

Signed by all members of the Committees.

SCRep. 1369-90 Planning, Energy and Environmental Protection and Consumer Protection and Commerce on H.R. No. 308

The purpose of this measure is to request the Public Utilities Commission (PUC) to require every public utility to implement a demand-side management (DSM) program to foster more efficient use of energy resources by the ratepayers. In addition, this program is directed to achieve measurable and significant changes in the use of energy resources by the ratepayer, with the possible inclusion of incentives to increase consumer-based conservation and load management efforts. Furthermore, this DSM program is to be filed with the PUC and is to be a cooperative effort that includes the Department of Business and Economic Development, the Department of Commerce and Consumer Affairs, and the public utilities. The PUC has the option to determine how costs associated with DSM programs may be recovered by the public utilities.

Testimony submitted by the Hawaiian Electric Company indicated that developing a DMS program in a year is an insufficient amount of time, and requested that the PUC determine the time parameters. While your Committees have amended this measure accordingly to allow a more reasonable time period, it is the intent of these Committees that this program proceed as rapidly as possible. DSM techniques have been in operation in other states for several years, and the utilities have had ample time to review the PUC's Order No. 10458, which is a directive that all energy utilities in the state implement Integrated Resource Planning. The PUC is to submit a report to the Legislature prior to the 1991 legislative session on the progress of the DSM process in Hawaii.

A similar measure this session has requested that the Department of Business and Economic Development utilize revenues generated by petroleum overcharge funds to provide technical assistance to the utilities in the development of DSM programs.

Your Committees on Planning, Energy and Environmental Protection and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 308, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 308, H.D. 1.

Signed by all members of the Committees except Representative Peters.

SCRep. 1370-90 Planning, Energy and Environmental Protection and Consumer Protection and Commerce on H.C.R. No. 296

The purpose of this measure is to request the Public Utilities Commission (PUC) to require every public utility to implement a demand-side management (DSM) program to foster more efficient use of energy resources by the ratepayers. In addition, this program is directed to achieve measurable and significant changes in the use of energy resources by the ratepayer, with the possible inclusion of incentives to increase consumer-based conservation and load management efforts. Furthermore, this DSM program is to be filed with the PUC and is to be a cooperative effort that includes the Department of Business and Economic Development, the Department of Commerce and Consumer Affairs, and the public utilities. The PUC has the option to determine how costs associated with DSM programs may be recovered by the public utilities.

Testimony submitted by the Hawaiian Electric Company indicated that developing a DMS program in a year is an insufficient amount of time, and requested that the PUC determine the time parameters. While your Committees have amended this measure accordingly to allow a more reasonable time period, it is the intent of these Committees that this program proceed as rapidly as possible. DSM techniques have been in operation in other states for several years, and the utilities have had ample time to review the PUC's Order No. 10458, which is a directive that all energy utilities in the state implement Integrated Resource Planning. The PUC is to submit a report to the Legislature prior to the 1991 legislative session on the progress of the DSM process in Hawaii.

A similar measure this session has requested that the Department of Business and Economic Development utilize revenues generated by petroleum overcharge funds to provide technical assistance to the utilities in the development of DSM programs.

Your Committees on Planning, Energy and Environmental Protection and Consumer Protection and Commerce concur with the intent and purpose of H.C.R. No. 296, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 296, H.D. 1.

Signed by all members of the Committees except Representative Peters.

SCRep. 1371-90 Planning, Energy and Environmental Protection on H.R. No. 205

The purpose of this measure is to insure that the revenue generated by the Petroleum Overcharge Distribution and Restitution Act is used to implement demand-side management techniques.

Your Committee finds that in 1986 the State of Hawaii received \$14.5 million to be used for energy conservation methodology as a result of a U.S. District Court decision on oil pricing violations by the Exxon Corporation. Currently, there is a balance of approximately \$12 million in unencumbered funds that may be used for this purpose.

Your Committee has determined that demand-side management (DSM), in conjunction with Integrated Resource Planning (IRP), is a critical factor in the goal of reducing the consumption of fossil-fuel. The IRP and DMS strategies have evolved from the recognition that utilities must now consider a wider range of options as a result of the

environmental cost of the combustion and transport of fossil-fuels, uncertainty regarding future price and availability of such fuels, along with rapid technological change.

Testimony was submitted by the Department of Business and Economic Development indicating that, while they have already engaged a portion of the funds for conservation projects, effective and formal DSM programs require utility cooperation. Therefore, DBED suggested that they serve in the capacity of providing technical assistance to the Public Utilities Commission and the public utilities in implementing demand-side management programs through the use of the overcharge funds. Testimony from the Natural Resources Defense Council also suggested that DBED serve in the capacity of assisting the utilities in the development of DMS options. Your Committee has amended the title and contents of the measure accordingly.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 205, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 205, H.D. 1.

Signed by all members of the Committee.

SCRep. 1372-90 Planning, Energy and Environmental Protection on H.C.R. No. 192

The purpose of this measure is to insure that the revenue generated by the Petroleum Overcharge Distribution and Restitution Act is used to implement demand-side management techniques.

Your Committee finds that in 1986 the State of Hawaii received \$14.5 million to be used for energy conservation methodology as a result of a U.S. District Court decision on oil pricing violations by the Exxon Corporation. Currently, there is a balance of approximately \$12 million in unencumbered funds that may be used for this purpose.

Your Committee has determined that demand-side management (DSM), in conjunction with Integrated Resource Planning (IRP), is a critical factor in the goal of reducing the consumption of fossil-fuel. The IRP and DMS strategies have evolved from the recognition that utilities must now consider a wider range of options as a result of the environmental cost of the combustion and transport of fossil-fuels, uncertainty regarding future price and availability of such fuels, along with rapid technological change.

Testimony was submitted by the Department of Business and Economic Development indicating that, while they have already engaged a portion of the funds for conservation projects, effective and formal DSM programs require utility cooperation. Therefore, DBED suggested that they serve in the capacity of providing technical assistance to the Public Utilities Commission and the public utilities in implementing demand-side management programs through the use of the overcharge funds. Testimony from the Natural Resources Defense Council also suggested that DBED serve in the capacity of assisting the utilities in the development of DMS options. Your Committee has amended the title and contents of the measure accordingly.

Your Committee on Planning, Energy and Environmental Protection 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. 1373-90 Planning, Energy and Environmental Protection on H.R. No. 340 (Majority)

The purpose of this measure is to request a temporary slowdown on the development of 500 megawatts of geothermal power and the related underwater cable projects that would transport this power to Oahu. This measure further requests that the socio/environmental, logistical, technical, and economic conflicts should be resolved and the actual feasibility determined before this and the 25 megawatt Ormat project continue. In addition, the measure calls for a blue ribbon panel to address these issues and review them within the context of the objectives of the state energy plan.

Your Committee received considerable testimony both in favor and against this measure, and has made numerous amendments. Testimony from Puna Geothermal Venture indicated that the function of the Ormat project is to provide electrical power for the the County of Hawaii, and not to generate 500 megawatts for export to Oahu. Accordingly, your Committee has deleted the references to the Ormat facility. Testimony submitted by a research geochemist from the University of Hawaii indicated that the assertion that seawater intrusion into the reservoir tapped by the now off-line HGP-A facility is incorrect, therefore this clause has been deleted. Rather than convene a blue-ribbon panel to assess the aforementioned issues surrounding 500 megawatt geothermal development, your Committee has instead requested the Department of Business and Economic Development to prepare an in-depth report for the Legislature that includes the following:

1. A listing of the current subsidies, grants (direct and indirect) tax credits, or other means of financial support that have been provided to date to geothermal developers in Hawaii.
2. A listing of additional financial incentives which the department would consider necessary and appropriate in order to complete the project.
3. A cost benefit analysis to determine the energy source which offers the least expensive alternative to oil and an assessment of the environmental impacts and costs associated with each.
4. An estimate at this point in time of the projected premium in electric rates above the avoided cost of the least costly alternative means of producing electric energy which the consumers in Hawaii may have to absorb to support the geothermal cable project.

5. The criteria by which decisionmakers can determine whether such a premium and other financial subsidies are justified in order to pursue the geothermal cable project.
6. The specific economic benefits which would be attained as a result of pursuing the geothermal cable project.
7. The methodology utilized in estimating the geothermal potential on the Island of Hawaii and the confidence of this estimate; discuss how the results of the SOH program may change the estimate of the resource potential.

While it is essential to decrease the state's reliance on fossil fuel as the primary source of energy generation, your Committee has determined this can be accomplished through a variety of methods, including Integrated Resource Planning (IRP), where all of the State's indigenous resources and conservation methodologies are utilized in a concerted effort. Your Committee finds that a complete analysis of the 500 megawatt geothermal project is warranted, to determine if geothermal development of this magnitude is actually feasible and should be included as a viable component of the IRP process.

Your Committee has amended the title to accommodate the revised request of the measure, and has also made technical and non-substantive amendments.

Your Committee on Planning, Energy and Environmental Protection is in accord with the intent and purpose of H.R. No. 340, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 340, H.D. 1.

Signed by all members of the Committee except Representatives Hiraki and Hemmings.
(Representatives Bellinger, Hashimoto and Say did not concur.)

SCRep. 1374-90 Planning, Energy and Environmental Protection on H.C.R. No. 330 (Majority)

The purpose of this measure is to request a temporary slowdown on the development of 500 megawatts of geothermal power and the related underwater cable projects that would transport this power to Oahu. This measure further requests that the socio/environmental, logistical, technical, and economic conflicts should be resolved and the actual feasibility determined before this and the 25 megawatt Ormat project continue. In addition, the measure calls for a blue ribbon panel to address these issues and review them within the context of the objectives of the state energy plan.

Your Committee received considerable testimony both in favor and against this measure, and has made numerous amendments. Testimony from Puna Geothermal Venture indicated that the function of the Ormat project is to provide electrical power for the the County of Hawaii, and not to generate 500 megawatts for export to Oahu. Accordingly, your Committee has deleted the references to the Ormat facility. Testimony submitted by a research geochemist from the University of Hawaii indicated that the assertion that seawater intrusion into the reservoir tapped by the now off-line HGP-A facility is incorrect, therefore this clause has been deleted. Rather than convene a blue-ribbon panel to assess the aforementioned issues surrounding 500 megawatt geothermal development, your Committee has instead requested the Department of Business and Economic Development to prepare an in-depth report for the Legislature that includes the following:

1. A listing of the current subsidies, grants (direct and indirect) tax credits, or other means of financial support that have been provided to date to geothermal developers in Hawaii.
2. A listing of additional financial incentives which the department would consider necessary and appropriate in order to complete the project.
3. A cost benefit analysis to determine the energy source which offers the least expensive alternative to oil and an assessment of the environmental impacts and costs associated with each.
4. An estimate at this point in time of the projected premium in electric rates above the avoided cost of the least costly alternative means of producing electric energy which the consumers in Hawaii may have to absorb to support the geothermal cable project.
5. The criteria by which decisionmakers can determine whether such a premium and other financial subsidies are justified in order to pursue the geothermal cable project.
6. The specific economic benefits which would be attained as a result of pursuing the geothermal cable project.
7. The methodology utilized in estimating the geothermal potential on the Island of Hawaii and the confidence of this estimate; discuss how the results of the SOH program may change the estimate of the resource potential.

While it is essential to decrease the state's reliance on fossil fuel as the primary source of energy generation, your Committee has determined this can be accomplished through a variety of methods, including Integrated Resource Planning (IRP), where all of the State's indigenous resources and conservation methodologies are utilized in a concerted effort. Your Committee finds that a complete analysis of the 500 megawatt geothermal project is warranted, to determine if geothermal development of this magnitude is actually feasible and should be included as a viable component of the IRP process.

Your Committee has amended the title to accommodate the revised request of the measure, and has also made technical and non-substantive amendments.

Your Committee on Planning, Energy and Environmental Protection is in accord with the intent and purpose of H.C.R. No. 330, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 330, H.D. 1.

Signed by all members of the Committee except Representatives Hiraki and Hemmings.
(Representatives Bellinger, Hashimoto and Say did not concur.)

SCRep. 1375-90 Judiciary on H.R. No. 96

The purpose of this resolution is to strongly urge the Governor of the State of Hawaii to make half of the appointments made this year to state boards, authorities, committees, and commissions be women.

Testimony favoring this resolution was received from the YWCA, the National Women's Political Caucus, and representatives from professional and community organizations.

Your Committee is well aware that there are many women in our community who are eminently qualified to serve our state through membership on policy making, decision making, and advisory entities. Your Committee is also well aware that this vital resource is vastly underutilized as the overwhelming majority of members on state boards, authorities, committees, and commissions are men. Your Committee recognizes that while women have long served on state entities, their participation have been traditionally limited to those with small budgets and little influence. By comparison, men are usually appointed to those entities with more influence on state policy or to those with larger salaries for service.

Your Committee views boards, commissions, authorities, and committees as entities through which our public life is influenced and shaped. Your Committee strongly believes that our public life has a need for the presence of women, and that the matter of having women on such government entities is not only an issue of equity but is an issue affecting our State's quality of life as well.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 96 and recommends its adoption.

Signed by all members of the Committee except Representative Peters.

SCRep. 1376-90 Judiciary on H.C.R. No. 82

The purpose of this concurrent resolution is to strongly urge the Governor of the State of Hawaii to make half of the appointments made this year to state boards, authorities, committees, and commissions be women.

Testimony favoring this concurrent resolution was received from the YWCA, the National Women's Political Caucus, and representatives from professional and community organizations.

Your Committee is well aware that there are many women in our community who are eminently qualified to serve our state through membership on policy making, decision making, and advisory entities. Your Committee is also well aware that this vital resource is vastly underutilized as the overwhelming majority of members on state boards, authorities, committees, and commissions are men. Your Committee recognizes that while women have long served on state entities, their participation have been traditionally limited to those with small budgets and little influence. By comparison, men are usually appointed to those entities with more influence on state policy or to those with larger salaries for service.

Your Committee views boards, commissions, authorities, and committees as entities through which our public life is influenced and shaped. Your Committee strongly believes that our public life has a need for the presence of women, and that the matter of having women on such government entities is not only an issue of equity but is an issue affecting our State's quality of life as well.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 82 and recommends its adoption.

Signed by all members of the Committee except Representative Peters.

SCRep. 1377-90 Judiciary on H.R. No. 135

The purpose of this resolution is to request the Attorney General to examine the applicability and justification of the interspousal immunity doctrine and to determine whether the doctrine should be limited to allow suits in certain instances or abolished altogether.

Testimony regarding this resolution was received from the Hawai'i Women's Political Caucus, the Hawaii Academy of Plaintiff's Attorneys, the Judiciary, and representatives from professional and community groups.

Your Committee understands that the common law Doctrine of Interspousal Tort Immunity has been abolished in the vast majority of states. Your Committee sincerely believes that the use of interspousal tort immunity is discriminatory in nature and is an anachronism in today's modern society.

Your Committee recognizes that Hawaii is one of the few states that continues to bar all suits between spouses and that Hawaii courts, in considering challenges to the spousal immunity doctrine, have deferred to the Legislature. Consequently, your Committee is of the firm belief that information must be quickly secured in order to determine the reasonableness of the continued acceptance and use of this doctrine.

Your Committee has amended this resolution by directing that certified copies of this resolution be distributed to Senior Judges and Directors of each circuit rather than to only selected Senior Judges and Directors.

Your Committee on Judiciary 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 Representative Peters.

SCRep. 1378-90 Judiciary on H.C.R. No. 122

The purpose of this concurrent resolution is to request the Attorney General to examine the applicability and justification of the interspousal immunity doctrine and to determine whether the doctrine should be limited to allow suits in certain instances or abolished altogether.

Testimony regarding this concurrent resolution was received from the Hawai'i Women's Political Caucus, the Hawaii Academy of Plaintiff's Attorneys, the Judiciary, and representatives from professional and community groups.

Your Committee understands that the common law Doctrine of Interspousal Tort Immunity has been abolished in the vast majority of states. Your Committee sincerely believes that the use of interspousal tort immunity is discriminatory in nature and is an anachronism in today's modern society.

Your Committee recognizes that Hawaii is one of the few states that continues to bar all suits between spouses and that Hawaii courts, in considering challenges to the spousal immunity doctrine, have deferred to the Legislature. Consequently, your Committee is of the firm belief that information must be quickly secured in order to determine the reasonableness of the continued acceptance and use of this doctrine.

Your Committee has amended this concurrent resolution by directing that certified copies of this resolution be distributed to Senior Judges and Directors of each circuit rather than to only selected Senior Judges and Directors.

Your Committee on Judiciary is in accord with the intent and purpose of H.C.R. No. 122, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 122, H.D. 1.

Signed by all members of the Committee except Representative Peters.

SCRep. 1379-90 Judiciary and Human Services on H.R. No. 329

The purpose of this resolution is to request a study to assess the demographics and needs of gay and lesbian youth of Hawaii.

Testimony in favor of this resolution was received from the Office of Children and Youth, the ACLU, the Gay Community Center, Hale Kipa, Hale 'Opio Kauai, Parents FLAG, University Gay and Lesbian Ohana, and numerous other spokespersons representing various professional and community groups. Testimony in opposition to this resolution was received from the Christian Voice, the Eagle Forum, Concerned Women of America, and Concerned Kalihi Parents in Action.

Your Committees find that studies show that alienation experienced by gay and lesbian youths often result in attempted or successful suicide, one study reporting the success rate as being as high as 20% to 25%. Taboos surrounding free and open discussion of lesbian and male homosexuality and the problems they face impede the people concerned about youth suicide from adequately addressing their situations.

Your Committees finds that this resolution is an attempt to address the problems facing these youths and the people attempting to serve them. Your Committees also find that it is of grave importance that dignity be shown these youths even though their lifestyle is not necessarily supported by their peers or the general public.

Your Committees have amended this resolution to conform more closely to the testimony presented.

Your Committees on Judiciary and Human Services concur with the intent and purpose of H.R. No. 329, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 329, H.D. 1.

Signed by all members of the Committees except Representatives Amaral, Cachola, Duldulao, Hiraki, Hirono, M. Ige, Peters, Cavasso and Liu.

SCRep. 1380-90 Judiciary and Human Services on H.C.R. No. 317

The purpose of this concurrent resolution is to request a study to assess the demographics and needs of gay and lesbian youth of Hawaii.

Testimony in favor of this concurrent resolution was received from the Office of Children and Youth, the ACLU, the Gay Community Center, Hale Kipa, Hale 'Opio Kauai, Parents FLAG, University Gay and Lesbian Ohana, and numerous other spokespersons representing various professional and community groups. Testimony in opposition to this concurrent resolution was received from the Christian Voice, the Eagle Forum, Concerned Women of America, and Concerned Kalihi Parents in Action.

Your Committees find that studies show that alienation experienced by gay and lesbian youths often result in attempted or successful suicide, one study reporting the success rate as being as high as 20% to 25%. Taboos surrounding free and open discussion of lesbian and male homosexuality and the problems they face impede the people concerned about youth suicide from adequately addressing their situations.

Your Committees finds that this concurrent resolution is an attempt to address the problems facing these youths and the people attempting to serve them. Your Committees also find that it is of grave importance that dignity be shown these youths even though their lifestyle is not necessarily supported by their peers or the general public.

Your Committees have amended this concurrent resolution to conform more closely to the testimony presented.

Your Committees on Judiciary and Human Services concur with the intent and purpose of H.C.R. No. 317, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 317, H.D. 1.

Signed by all members of the Committees except Representatives Duldulao, Hiraki, Hirono, M. Ige, Peters, Cavasso and Liu.

SCRep. 1381-90 Judiciary and Intergovernmental Relations and International Affairs on H.R. No. 72

The purpose of this resolution is to urge the Hawaii State Legislature and the Governor of the State of Hawaii to actively seek funds and land from the federal government to allow the State to increase its drug enforcement, correctional facilities, and treatment programs.

Your Committees received testimony from the Prosecuting Attorney for the City and County of Honolulu in support of this resolution. Your Committees find that a concerted effort is needed to combat the problem of drugs in our community, and that efforts to obtain federal land and funds for the construction of minimum security prisons are well-advised.

Your Committees have amended this resolution by making it clear that the minimum security prisons are intended for drug and other offenders.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs are in accord with the intent and purpose of H.R. No. 72, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 72, H.D. 1.

Signed by all members of the Committees except Representatives Bybee, Cachola, Hirayama, Hirono, Horita, Peters, Souki, Tajiri and Cavasso.

SCRep. 1382-90 Judiciary and Intergovernmental Relations and International Affairs on H.C.R. No. 62

The purpose of this resolution is to urge the Hawaii State Legislature and the Governor of the State of Hawaii to actively seek funds and land from the federal government to allow the State to increase its drug enforcement, correctional facilities, and treatment programs.

Your Committees received testimony from the Prosecuting Attorney for the City and County of Honolulu in support of this resolution. Your Committees find that a concerted effort is needed to combat the problem of drugs in our community, and that efforts to obtain federal land and funds for the construction of minimum security prisons are well-advised.

Your Committees have amended this resolution by making it clear that the minimum security prisons are intended for drug and other offenders.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs are in accord with the intent and purpose of H.C.R. No. 62, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 62, H.D. 1.

Signed by all members of the Committees except Representatives Bybee, Cachola, Hirayama, Hirono, Horita, Peters, Souki, Tajiri and Cavasso.

SCRep. 1383-90 Judiciary and Intergovernmental Relations and International Affairs on H.R. No. 111

The purpose of this resolution is to urge the Chief of Police of the Honolulu Police Department to study the illegal sales and use of fireworks and to prioritize the enforcement of the City and County of Honolulu ordinances against the sale and use of fireworks during New Year's and the Fourth of July.

Your Committees received testimony from the Honolulu Police Department and interested members of the public. Your Committees find that the problem of illegal sales and use of fireworks is serious and warrants further study.

Your Committees have amended this resolution by urging the Chief of Police to study the need to strengthen state statutes. The reason for this amendment is that the various counties have different ordinances regulating the use and sale of fireworks, and these differences may impede the ability of law enforcement agencies to prevent illegal use and sales.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs are in accord with the intent and purpose of H.R. No. 111, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 111, H.D. 1.

Signed by all members of the Committees except Representatives Bybee, Cachola, Hirayama, Hirono, Horita, Okamura, Peters, Souki and Tajiri.

SCRep. 1384-90 Judiciary and Intergovernmental Relations and International Affairs on H.C.R. No. 99

The purpose of this concurrent resolution is to urge the Chief of Police of the Honolulu Police Department to study the illegal sales and use of fireworks and to prioritize the enforcement of the City and County of Honolulu ordinances against the sale and use of fireworks during New Year's and the Fourth of July.

Your Committees received testimony from the Honolulu Police Department and interested members of the public. Your Committees find that the problem of illegal sales and use of fireworks is serious and warrants further study.

Your Committees have amended this concurrent resolution by urging the Chief of Police to study the need to strengthen state statutes. The reason for this amendment is that the various counties have different ordinances regulating the use and sale of fireworks, and these differences may impede the ability of law enforcement agencies to prevent illegal use and sales.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs are in accord with the intent and purpose of H.C.R. No. 99, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 99, H.D. 1.

Signed by all members of the Committees except Representatives Bybee, Cachola, Hirayama, Hirono, Horita, Okamura, Peters, Souki and Tajiri.

SCRep. 1385-90 Water and Land Use and Intergovernmental Relations and International Affairs on H.R. No. 171

The purpose of this resolution is to assess the feasibility of establishing a community recreational park at Kalaoa, North Kona, Hawaii, and to encourage the County of Hawaii to include a grant-in-aid request during the next legislative session to appropriate funds to plan and design facilities for such a park.

Your Committees understand the need for adequate recreational needs in the vicinity of North Kona, and that when such needs are met, the mental as well as the physical health of the community is strengthened.

Your Committees find that a variety of recreational needs are necessary to serve the burgeoning residential developments of the Kalaoa vicinity. Kona Palisades alone represents approximately 2,500 residents who live within the recreational proximity of Kalaoa.

Your Committees have followed the suggestions of the Department of Land and Natural Resources (DLNR) and have amended this resolution by including the land in the vicinity of Kalaoa as potential sites for a recreational facility, instead of limiting such sites to those at Kalaoa. Your Committees have also amended this bill, at DLNR's suggestion, by making the County of Hawaii responsible for report writing.

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

Signed by all members of the Committees except Representative Okamura.

SCRep. 1386-90 Water and Land Use and Intergovernmental Relations and International Affairs on H.R. No. 79

The purpose of this resolution is to urge federal agencies to honor the rights of western states and island governments to plan for and develop environmental laws and regulations pertaining to water.

Your Committees find that the federal Environmental Protection Agency is interpreting the Clean Water Act as authorization to make the final decision on the purpose and need of water projects. However, your Committees also find that local planning for water infrastructure development is encouraged by and delegated to local governments by federal law.

Western states and island governments have much work to complete to develop their water supply infrastructures. Hence, your Committees urge the return of water resource development planning back to the western states and island and local governments.

Your Committees received favorable testimony from the Commission on Water Resources Management.

Your Committees on Water and Land Use and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 79 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1387-90 Water and Land Use and Intergovernmental Relations and International Affairs on H.C.R. No. 69

The purpose of this concurrent resolution is to urge federal agencies to honor the rights of western states and island governments to plan for and develop environmental laws and regulations pertaining to water.

Your Committees find that the federal Environmental Protection Agency is interpreting the Clean Water Act as authorization to make the final decision on the purpose and need of water projects. However, your Committees also find that local planning for water infrastructure development is encouraged by and delegated to local governments by federal law.

Western states and island governments have much work to complete to develop their water supply infrastructures. Hence, your Committees urge the return of water resource development planning back to the western states and island and local governments.

Your Committees received favorable testimony from the Commission on Water Resources Management.

Your Committees on Water and Land Use and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 69 and recommend its adoption.

Signed by all members of the Committees except Representative Oshiro.

SCRep. 1388-90 Water and Land Use on H.R. No. 213

The purpose of this resolution is to help preserve the distinctive local lifestyle in West Hawaii by coordinating the use and development of State-owned lands with the use and development of privately-owned lands in that region. This resolution requests: a review of the West Hawaii Regional Plan prepared by the Office of State Planning (OSP); a study of land ownership in the area; and an assessment of the establishment of a new corporate entity to oversee the plan's implementation.

Your Committee concurs with the recommendation of the Department of Business and Economic Development (DBED) with regard to the appropriate implementing agency by replacing references to DBED with OSP in the BE IT RESOLVED and BE IT FURTHER RESOLVED clauses. Your Committee has also made certain technical amendments for purposes of style and clarity.

Your Committee on Water and Land Use 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. 1389-90 Water and Land Use on H.R. No. 90

The purpose of this resolution is to request that the Hawaii Real Estate Research and Education Center, a program within the University of Hawaii's College of Business Administration, examine the social and economic effects of rapidly rising commercial ground lease rents.

Your Committee is aware of the rising cost of commercial property ground lease rents resulting from escalating land values. Such rents are critical to the State's economy. Your Committee realizes that to understand this problem many questions need to be answered, including:

- (1) Estimates on the number of lessees likely to be affected over the next ten years;
- (2) The financial impacts on lessees;
- (3) Estimates on the number of lessees actually or likely to be foreclosed on because of their inability to pay lease rents;
- (4) Estimates on the number of lessees whose leases will be terminated or whose rents will be renegotiated in the next ten years; and
- (5) The impact of renegotiating at ten-year intervals.

Your Committee has also requested the Hawaii Real Estate Research and Education Center include in their study a summary of all lease rent increases negotiated in the last ten years.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 90 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1390-90 Water and Land Use on H.C.R. No. 76

The purpose of this concurrent resolution is to request that the Hawaii Real Estate Research and Education Center, a program within the University of Hawaii's College of Business Administration, examine the social and economic effects of rapidly rising commercial ground lease rents.

Your Committee is aware of the rising cost of commercial property ground lease rents resulting from escalating land values. Such rents are critical to the State's economy. Your Committee realizes that to understand this problem many questions need to be answered, including:

- (1) Estimates on the number of lessees likely to be affected over the next ten years;
- (2) The financial impacts on lessees;
- (3) Estimates on the number of lessees actually or likely to be foreclosed on because of their inability to pay lease rents;
- (4) Estimates on the number of lessees whose leases will be terminated or whose rents will be renegotiated in the next ten years; and
- (5) The impact of renegotiating at ten-year intervals.

Your Committee has also requested the Hawaii Real Estate Research and Education Center include in their study a summary of all lease rent increases negotiated in the last ten years.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 76 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1391-90 Education on H.R. No. 192

The purpose of this resolution is to request a plan of action for the conversion of all temporary positions to permanent status in the Department of Education.

Testimony in support of this measure was submitted by the Department of Education (DOE), the Hawaii State Public Library System, and the Hawaii State Teachers Association. The DOE, however, testified that it had a plan of action that could readily implement the conversion of temporary positions to permanent status and the request for another plan of action was not necessary.

Your Committee, therefore, has amended this measure by:

- (1) Amending the title to call for the conversion of all temporary positions in the DOE to permanent status;
- (2) Inserting language to indicate that the DOE has a plan of action that could readily implement the conversion of temporary positions to permanent status and requesting that the Legislature support the plan; and
- (3) Making technical, nonsubstantive revisions for purposes of style and clarity.

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

Signed by all members of the Committee.

SCRep. 1392-90 Education on H.C.R. No. 179

The purpose of this concurrent resolution is to request a plan of action for the conversion of all temporary positions to permanent status in the Department of Education.

Testimony in support of this measure was submitted by the Department of Education (DOE), the Hawaii State Public Library System, and the Hawaii State Teachers Association. The DOE, however, testified that it had a plan of action that could readily implement the conversion of temporary positions to permanent status and the request for another plan of action was not necessary.

Your Committee, therefore, has amended this measure by:

- (1) Amending the title to call for the conversion of all temporary positions in the DOE to permanent status;
- (2) Inserting language to indicate that the DOE has a plan of action that could readily implement the conversion of temporary positions to permanent status and requesting that the Legislature support the plan; and
- (3) Making technical, nonsubstantive revisions for purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 179, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 179, H.D. 1.

Signed by all members of the Committee.

SCRep. 1393-90 Consumer Protection and Commerce and Health on H.R. No. 334

The purpose of this resolution is to request the Department of Health to convene a series of roundtable discussions to address the issue of Hawaii's unserved mental health needs and the possibility of allowing appropriately trained psychologists to prescribe psychotropic medications in the diagnosis and treatment of nervous, mental, and organic brain disorders under certain conditions.

The Department of Health (Department), the Psychology Department of the University of Hawaii, the Hawaii Psychological Association (HPA), and a licensed psychologist provided testimony in support of this measures. They also indicated their willingness to participate in the roundtable discussion.

The Department recommended that the study be led by the Center for Alternative Dispute Resolution (ADR) rather than the Department. The Department believed that a better exchange of ideas would occur if the ADR conducted the discussion.

The Board of Psychology testified that they had no objections to this measure.

The Center for Alternative Dispute Resolution testified that they are prepared to assist the Department in the implementation of a "roundtable" aimed at clarifying issues and concerns.

The Hawaii Federation of Physicians and Dentists recommended that the roundtable (1) emphasize the investigation of the education, training and clinical experience that should be required to allow psychologists to prescribe psychotropic drugs and (2) include a representative from their organization.

The psychologist suggested that a concurrent or subsequent Legislative Reference Bureau study also be undertaken in the event the roundtable discussion did not proceed.

Your Committees have amended this resolution in the following manner:

- (1) Requested the Center for Alternative Dispute Resolution be the entity for these discussions and to prepare the report to the Legislature;
- (2) Included a representative from the Hawaii Nurses Association; Hawaii Mental Health Center; the Board of Pharmacy; Hawaii Medical Association; the Hawaii Federation of Physicians and Dentists; the Health Care Association of Hawaii; Hawaii Long Term Care Association; the Department of Psychiatry of the University of Hawaii; and the Hawaii Mental Health Center in addition to the groups already listed in the resolution;
- (3) Added a provision directing the parties to discuss the appropriate requirements for the training of psychologists who would be allowed to provide medication to individuals with nervous, mental and organic brain disorders to understand the relationship of various medications to substance abuse situations.
- (4) Clarified that the respective Dean or Chairperson of the School of Public Health, School of Medicine, Department of Psychology, and the Department of Psychiatry of the University of Hawaii shall be included as participants in the discussions; and
- (5) Made technical, nonsubstantive amendments for purposes of style and clarity.

Your Committees on Consumer Protection and Commerce and Health concur with the intent and purpose of H.R. No. 334, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 334, H.D. 1.

Signed by all members of the Committees except Representatives Peters, Shon and Liu.

SCRep. 1394-90 Consumer Protection and Commerce and Health on H.C.R. No. 323

The purpose of this concurrent resolution is to request the Department of Health to convene a series of roundtable discussions to address the issue of Hawaii's unserved mental health needs and the possibility of allowing appropriately trained psychologists to prescribe psychotropic medications in the diagnosis and treatment of nervous, mental, and organic brain disorders under certain conditions.

The Department of Health (Department), the Psychology Department of the University of Hawaii, the Hawaii Psychological Association (HPA), and a licensed psychologist provided testimony in support of this measures. They also indicated their willingness to participate in the roundtable discussion.

The Department recommended that the study be led by the Center for Alternative Dispute Resolution (ADR) rather than the Department. The Department believed that a better exchange of ideas would occur if the ADR conducted the discussion.

The Board of Psychology testified that they had no objections to this measure.

The Center for Alternative Dispute Resolution testified that they are prepared to assist the Department in the implementation of a "roundtable" aimed at clarifying issues and concerns.

The Hawaii Federation of Physicians and Dentists recommended that the roundtable (1) emphasize the investigation of the education, training and clinical experience that should be required to allow psychologists to prescribe psychotropic drugs and (2) include a representative from their organization.

The psychologist suggested that a concurrent or subsequent Legislative Reference Bureau study also be undertaken in the event the roundtable discussion did not proceed.

Your Committees have amended this concurrent resolution in the following manner:

- (1) Requested the Center for Alternative Dispute Resolution be the entity for these discussions and to prepare the report to the Legislature;
- (2) Included a representative from the Hawaii Nurses Association; Hawaii Mental Health Center; the Board of Pharmacy; Hawaii Medical Association; the Hawaii Federation of Physicians and Dentists; the Health Care Association of Hawaii; Hawaii Long Term Care Association; the Department of Psychiatry of the University of Hawaii; and the Hawaii Mental Health Center in addition to the groups already listed in the resolution;
- (3) Added a provision directing the parties to discuss the appropriate requirements for the training of psychologists who would be allowed to prescribe medication to individuals with nervous, mental and organic brain disorders to understand the relationship of various medications to substance abuse situations.
- (4) Clarified that the respective Dean or Chairperson of the School of Public Health, School of Medicine, Department of Psychology, and the Department of Psychiatry of the University of Hawaii shall be included as participants in the discussions; and
- (5) Made technical, nonsubstantive amendments for purposes of style and clarity.

Your Committees on Consumer Protection and Commerce and Health concur with the intent and purpose of H.C.R. No. 323, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 323, H.D. 1.

Signed by all members of the Committees except Representatives Leong, Peters, Shon and Liu.

SCRep. 1395-90 Consumer Protection and Commerce and Health on H.R. No. 313

The purpose of this resolution is to urge health insurance providers to include complete coverage of all immunization costs for all ages in their health insurance policies and to urge the Department of Health to provide comprehensive immunization coverage in the state-sponsored health insurance program as an example for other insurance providers to follow.

The Department of Health and the Immunization Task Force of the Governor's Conference on Health Promotion and Disease Prevention-Objectives for 1990 and Beyond (Governor's Task Force) testified in favor of the resolution.

The Department of Health suggested that the bill be amended such that the term "appropriate" be substituted for the term "all" where it appears in order to emphasize the desirability of coverage for immunizations at appropriate ages and circumstances rather than a blanket coverage for all immunizations. This change would allow for more cost effective health policies while still preserving the intent of this resolution.

The Governor's Task Force testified that while vaccines are the most efficient, cost-effective approach to disease prevention, most adults fail to protect themselves with immunizations, in part because many of them are not covered by health insurance policies which cover immunizations. The Governor's Task Force and the Department of Health also testified that coverage for immunizations would contribute to holding down the future risk of outbreaks of infectious and communicable diseases.

The Hawaii Medical Service Association (HMSA) testified that it already covers 50% of the Eligible Charges of certain immunizations and some immunizations for the elderly under its optional 65-C Plus program; that it is unaware that full coverage for all immunizations prevents its members from obtaining immunizations; and that it feels that this resolution is not necessary.

Your Committees have amended this resolution to substitute the term "appropriate" for the term "all" as it refers to the scope of immunizations it recommends to be covered.

Your Committees on Consumer Protection and Commerce and Health concur with the intent and purpose of H.R. No. 313, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 313, H.D. 1.

Signed by all members of the Committees except Representatives Andrews, Arakaki, Leong and Peters.

SCRep. 1396-90 Consumer Protection and Commerce and Health on H.C.R. No. 339

The purpose of this concurrent resolution is to urge health insurance providers to include complete coverage of all immunization costs for all ages in their health insurance policies and to urge the Department of Health to provide comprehensive immunization coverage in the state-sponsored health insurance program as an example for other insurance providers to follow.

The Department of Health and the Immunization Task Force of the Governor's Conference on Health Promotion and Disease Prevention-Objectives for 1990 and Beyond (Governor's Task Force) testified in favor of the concurrent resolution.

The Department of Health suggested that the bill be amended such that the term "appropriate" be substituted for the term "all" where it appears in order to emphasize the desirability of coverage for immunizations at appropriate ages and circumstances rather than a blanket coverage for all immunizations. This change would allow for more cost effective health policies while still preserving the intent of the concurrent resolution.

The Governor's Task Force testified that while vaccines are the most efficient, cost-effective approach to disease prevention, most adults fail to protect themselves with immunizations, in part because many of them are not covered by health insurance policies which cover immunizations. The Governor's Task Force and the Department of Health also testified that coverage for immunizations would contribute to holding down the future risk of outbreaks of infectious and communicable diseases.

The Hawaii Medical Service Association (HMSA) testified that it already covers 50% of the Eligible Charges of certain immunizations and some immunizations for the elderly under its optional 65-C Plus program; that it is unaware that full coverage for all immunizations prevents its members from obtaining immunizations; and that it feels that this concurrent resolution is not necessary.

Your Committees have amended this concurrent resolution to substitute the term "appropriate" for the term "all" as it refers to the scope of immunizations it recommends to be covered.

Your Committees on Consumer Protection and Commerce and Health concur with the intent and purpose of H.C.R. No. 339, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 339, H.D. 1.

Signed by all members of the Committees except Representatives Andrews, Arakaki, Leong and Peters.

SCRep. 1397-90 Consumer Protection and Commerce on H.R. No. 107

The purpose of this resolution is to request the Public Utilities Commission (PUC) to investigate the economic incentives presently provided to independent power producers that utilize alternate forms of energy to produce electricity and to make any appropriate changes in methodology used by the utilities to ensure that maximum economic incentives are provided to the alternate energy producers.

The Olokele Sugar Company, Limited/Hilo Coast Processing Company (HCPC) and the Hawaii Sugar Planter's Association (HSPA) testified in favor of this resolution. They believed that the Hawaiian Electric Light Company (HELCO) has not adequately paid providers of alternative energy because of the methodology HELCO has used in determining "avoided cost". "Avoided costs" is the basis of determining the payments to these providers. The HCPC was specifically concerned with the recent 17% increase that HELCO had requested for the island of Hawaii while at the same time significantly reducing the amount paid to independent power producers. Further the HSPA believed that the PUC is the appropriate body to determine the components and the methodology to be used to determine "avoided costs" and the level of payments that should be made to alternate energy provider.

The Kauai Electric Division of Citizens Utilities Company (KE) and Hawaiian Electric Company (HECO) and its subsidiaries HELCO and Maui electric Company testified against this resolution.

The KE's major concern was that the results of the study would lead to the abrogation of existing contracts. The KE felt that this would adversely impact Kauai's ratepayers due to higher costs KE would incur for the energy it obtains from alternate energy providers. Further, KE felt it had shown its willingness to work with alternative providers to address these issues.

The HECO felt this issue was already covered under the rules established by the PUC in accordance with the Public Utilities Regulatory Policy Act (PURPA) of 1978. HECO believed that any revisions to contracts signed prior to the passage of this Act should be left to the parties affected. HECO requested that if the resolution is passed out, that the resolution include a provision which states that if the aggressive investigation of the methodology used to determine "avoided costs" shows that payments to alternate energy producers should be reduced, that the PUC be requested to implement such reduced payments.

Your Committee believes that an investigation of this issue is appropriate. There are issues that need to be resolved to make alternate energy production more viable. In particular, an analysis of the calculation of "avoided costs", which serves as the basis for the rate for purchase of alternate energy, must be made. Your Committee also notes that it does not believe that an investigation by the PUC would lead to abrogation of existing contracts.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 107 and recommends its adoption.

Signed by all members of the Committee except Representative Peters.

SCRep. 1398-90 Consumer Protection and Commerce on H.C.R. No. 95

The purpose of this concurrent resolution is to request the Public Utilities Commission (PUC) to investigate the economic incentives presently provided to independent power producers that utilize alternate forms of energy to produce electricity and to make any appropriate changes in methodology used by the utilities to ensure that maximum economic incentives are provided to the alternate energy producers.

The Olokele Sugar Company, Limited/Hilo Coast Processing Company (HCPC) and the Hawaii Sugar Planter's Association (HSPA) testified in favor of this concurrent resolution. They believed that the Hawaiian Electric Light

Company (HELCO) has not adequately paid providers of alternative energy because of the methodology HELCO has used in determining "avoided cost". "Avoided costs" is the basis of determining the payments to these providers. The HCPC was specifically concerned with the recent 17% increase that HELCO had requested for the island of Hawaii while at the same time significantly reducing the amount paid to independent power producers. Further the HSPA believed that the PUC is the appropriate body to determine the components and the methodology to be used to determine "avoided costs" and the level of payments that should be made to alternate energy provider.

The Kauai Electric Division of Citizens Utilities Company (KE) and Hawaiian Electric Company (HECO) and its subsidiaries HELCO and Maui electric Company testified against this concurrent resolution.

The KE's major concern was that the results of the study would lead to the abrogation of existing contracts. The KE felt that this would adversely impact Kauai's ratepayers due to higher costs KE would incur for the energy it obtains from alternate energy providers. Further, KE felt it had shown its willingness to work with alternative providers to address these issues.

The HECO felt this issue was already covered under the rules established by the PUC in accordance with the Public Utilities Regulatory Policy Act (PURPA) of 1978. HECO believed that any revisions to contracts signed prior to the passage of this Act should be left to the parties affected. HECO requested that if the concurrent resolution is passed out, that the concurrent resolution include a provision which states that if the aggressive investigation of the methodology used to determine "avoided costs" shows that payments to alternate energy producers should be reduced, that the PUC be requested to implement such reduced payments.

Your Committee believes that an investigation of this issue is appropriate. There are issues that need to be resolved to make alternate energy production more viable. In particular, an analysis of the calculation of "avoided costs", which serves as the basis for the rate for purchase of alternate energy, must be made. Your Committee also notes that it does not believe that an investigation by the PUC would lead to abrogation of existing contracts.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 95 and recommends its adoption.

Signed by all members of the Committee except Representative Peters.

SCRep. 1399-90 Consumer Protection and Commerce on H.R. No. 253

The purpose of this resolution is to request the Insurance Commissioner to coordinate a study to determine the feasibility of establishing a statewide computer system to allow various parties to input and share information in helping to identify the uninsured motorist population and allow insurers access to accurate driver information.

Your Committee heard testimony in favor of this resolution from the Insurance Division, the Hawaii Insurers Council and the Hawaii Independent Insurance Agents Association.

The Insurance Commissioner, however, estimated that he would need at least \$250,000 for resources to do a study.

In view of the Insurance Commissioner's request for funding which cannot be accommodated in this resolution and your Committee's strong belief that the discussions called for in this resolution are a crucial step in our efforts to decrease Hawaii's uninsured motorist problem, your Committee has shifted the coordinating responsibility for this effort to the Judiciary's Center for Alternative Dispute Resolution (CADR). Through a series of roundtable discussions, with the CADR as convenor and facilitator, your Committee believes that the purpose of this resolution can be fulfilled. The success of this effort will depend on the full cooperation of the appropriate participants and your Committee's belief is that such cooperation will be forthcoming.

Your Committee notes that the intent of the resolution is to determine the feasibility of establishing a statewide computer system and not to do a study. The purpose of the roundtable discussion will be to determine the feasibility of this type of system.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 253, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 253, H.D. 1.

Signed by all members of the Committee.

SCRep. 1400-90 Consumer Protection and Commerce on H.C.R. No. 239

The purpose of this concurrent resolution is to request the Insurance Commissioner to coordinate a study to determine the feasibility of establishing a statewide computer system to allow various parties to input and share information in helping to identify the uninsured motorist population and allow insurers access to accurate driver information.

Your Committee heard testimony in favor of this concurrent resolution from the Insurance Division, the Hawaii Insurers Council and the Hawaii Independent Insurance Agents Association.

The Insurance Commissioner, however, estimated that he would need at least \$250,000 for resources to do a study.

In view of the Insurance Commissioner's request for funding which cannot be accommodated in this concurrent resolution and your Committee's strong belief that the discussions called for in this concurrent resolution are a crucial step in our efforts to decrease Hawaii's uninsured motorist problem, your Committee has shifted the coordinating responsibility

for this effort to the Judiciary's Center for Alternative Dispute Resolution (CADR). Through a series of roundtable discussions, with the CADR as convenor and facilitator, your Committee believes that the purpose of this concurrent resolution can be fulfilled. The success of this effort will depend on the full cooperation of the appropriate participants and your Committee's belief is that such cooperation will be forthcoming.

Your Committee notes that the intent of the concurrent resolution is to determine the feasibility of establishing a statewide computer system and not to do a study. The purpose of the roundtable discussion will be to determine the feasibility of this type of system.

Your Committee on Consumer Protection and Commerce 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.

SCRep. 1401-90 Consumer Protection and Commerce on H.R. No. 133

The purpose of this resolution is to request the Hawaii Association of Realtors, in conjunction with the Department of Commerce and Consumer Affairs (DCCA), the Real Estate Commission, and the Institute of Real Estate Managers to study the various issues involved in the implementation of a mandatory program of errors and omissions insurance coverage for real estate brokers and salespersons.

Your Committee heard testimony in favor of this resolution from the DCCA. The DCCA cited the need to address numerous issues, including the many DCCA administrative concerns, before making any statutory amendments. In particular, the availability and affordability of insurance coverage should be addressed in the study.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 133, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1402-90 Consumer Protection and Commerce on H.C.R. No. 120

The purpose of this concurrent resolution is to request the Hawaii Association of Realtors, in conjunction with the Department of Commerce and Consumer Affairs (DCCA), the Real Estate Commission, and the Institute of Real Estate Managers to study the various issues involved in the implementation of a mandatory program of errors and omissions insurance coverage for real estate brokers and salespersons.

Your Committee heard testimony in favor of this concurrent resolution from the DCCA. The DCCA cited the need to address numerous issues, including the many DCCA administrative concerns, before making any statutory amendments. In particular, the availability and affordability of insurance coverage should be addressed in the study.

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

Signed by all members of the Committee.

SCRep. 1403-90 Consumer Protection and Commerce on H.C.R. No. 164

The purpose of this concurrent resolution is to request the Director of the Office of Consumer Protection to examine the need for licensing of rental referral agents and rent finders.

The Department of Commerce and Consumer Affairs expressed its concern with the resolution because the resolution proposes a new form of licensing in an area which has not undergone the sunrise review process pursuant to Section 26H-2, Hawaii Revised Statutes. The Office of Consumer Protection (OCP) stated that they have only received 42 complaints over the past four years; that the chapter on rental agencies was sunsetted in 1977; and that the Legislative Auditor is the appropriate office to accumulate, assimilate, and evaluate the information.

A representative from the community provided testimony which illustrated the problem he had when using a rental referral company.

Your Committee recognizes that thirteen years have passed and the rental market has dramatically changed since the repeal of the chapter regulating rental agencies. Therefore, your Committee has amended this concurrent resolution to require the Legislative Auditor to investigate and examine whether the rental agencies should be sunrise and regulated again.

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

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 164, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 164, H.D. 1.

Signed by all members of the Committee.

SCRep. 1404-90 Higher Education and the Arts; Ocean and Marine Resources; and Education on H.R. No. 244

The purpose of this resolution is to request the Waikiki Aquarium, the University of Hawaii Marine Option Program, the Department of Land and Natural Resources, and the Department of Education to prepare new marine science materials for elementary and secondary schools.

A further purpose is to provide for the selection of an official state fish.

Your Committees heard testimony from the Waikiki Aquarium and the Marine Options Program of the University of Hawaii, which supported the concept of increased marine science education but pointed out the difficulty of a state fish election program which had neither funding nor broad public support.

Your Committees also heard testimony from the Department of Education which supported the intent of the resolution to provide educational materials for a study of global issues of ocean resources, including the exclusive economic zone, pollution, conservation, while questioning the state fish election process.

Your Committees heard further testimony from The Ocean Recreation Council of Hawaii and the Hawaii Maritime Center supporting the educational aspects of a state fish election process.

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

- (1) The title has been changed to reflect the leadership of the Department of Education in curriculum;
- (2) Two WHEREAS clauses which address only the election of the state fish have been deleted;
- (3) New WHEREAS clauses recognize the ongoing marine science program within the Department of Education;
- (4) New WHEREAS clauses recognize the great size of the exclusive economic zone and its importance to Hawaii; and
- (5) BE IT RESOLVED and BE IT FURTHER RESOLVED clauses have been rewritten to reflect the deletion of the state fish election from the resolution.

Your Committees on Higher Education and the Arts and Ocean and Marine Resources and Education concur with the intent and purpose of H.R. No. 244, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 244, H.D. 1.

Signed by all members of the Committees except Representatives Apo, Tom and Hemmings.

SCRep. 1405-90 Higher Education and the Arts; Ocean and Marine Resources; and Education on H.C.R. No. 230

The purpose of this concurrent resolution is to request the Waikiki Aquarium, the University of Hawaii Marine Option Program, the Department of Land and Natural Resources, and the Department of Education to prepare new marine science materials for elementary and secondary schools.

A further purpose is to provide for the selection of an official state fish.

Your Committees heard testimony from the Waikiki Aquarium and the Marine Options Program of the University of Hawaii which supported the concept of increased marine science education but pointed out the difficulty of a state fish election program which had neither funding nor broad public support.

Your Committees also heard testimony from the Department of Education which supported the intent of the concurrent resolution to provide educational materials for a study of global issues of ocean resources, including the exclusive economic zone, pollution, and conservation, while questioning the state fish election process.

Your Committees heard further testimony from The Ocean Recreation Council of Hawaii and the Hawai'i Maritime Center supporting the educational aspects of a state fish election process.

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

- (1) The title has been changed to reflect the leadership of the Department of Education in curriculum planning;
- (2) Two WHEREAS clauses which address only the election of the state fish have been deleted;
- (3) New WHEREAS clauses recognize the ongoing marine science program within the Department of Education;
- (4) New WHEREAS clauses recognize the great size of the exclusive economic zone and its importance to Hawaii; and
- (5) BE IT RESOLVED and BE IT FURTHER RESOLVED clauses have been rewritten to reflect the deletion of the state fish election from the concurrent resolution.

Your Committees on Higher Education and the Arts, Ocean and Marine Resources, and Education concur with the intent and purpose of H.C.R. No. 230, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 230, H.D.1.

Signed by all members of the Committees except Representatives Apo, Tom and Hemmings.

SCRep. 1406-90 Higher Education and the Arts and Education on H.R. No. 263

The purpose of this resolution is to request the Department of Education and the Bernice Pauahi Bishop Museum to inventory all educational programs and services provided by the Museum and to evaluate areas that need development or expansion.

The evaluation should identify areas and propose means and methods of providing for expanded services to Hawaii's students studying the field of science.

Your Committees heard testimony in favor of the resolution from the Department of Education and the Bishop Museum.

Your Committees on Higher Education and the Arts and Education concur with the intent and purpose of H.R. No. 263 and recommend its adoption.

Signed by all members of the Committee except Representative Hemmings.

SCRep. 1407-90 Higher Education and the Arts and Education on H.C.R. No. 251

The purpose of this concurrent resolution is to request the Department of Education and the Bernice Pauahi Bishop Museum to inventory all educational programs and services provided by the Museum and to evaluate areas that need development or expansion.

The evaluation should identify areas and propose means and methods of providing for expanded services to Hawaii's students studying the field of science.

Your Committees heard testimony in favor of the concurrent resolution from the Department of Education and the Bishop Museum.

Your Committees on Higher Education and the Arts and Education concur with the intent and purpose of H.C.R. No. 251 and recommend its adoption.

Signed by all members of the Committee except Representative Hemmings.

SCRep. 1408-90 Higher Education and the Arts on H.R. No. 214

The purpose of this resolution is to urge the University of Hawaii at Hilo to collaborate with the School of Ocean and Earth Science and Technology to prepare a proposal to establish a center for undergraduate marine education at the UH-Hilo.

A recent study has shown that more than 200 marine-related positions that have been surveyed require a bachelor's degree in a marine field, in addition to technical expertise and hands-on field experience.

Currently, UH-Hilo has the largest Marine Option Program in the UH system, which takes advantage of the Big Island's unique opportunities, such as ocean thermal energy research and state-of-the-art aquaculture operations at the Natural Energy Laboratory of Hawaii.

Such a center at UH-Hilo will enable students to receive hands-on technical and field experience necessary for careers in ocean industry and for post-graduate studies at SOEST at UH-Manoa.

Your Committee received testimony in favor of the resolution from the University of Hawaii at Hilo.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 214 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1409-90 Higher Education and the Arts on H.R. No. 174

The purpose of this resolution is to request the establishment of a quantitative basis for increasing the current service base of the University of Hawaii's College of Tropical Agriculture and Human Resources' Cooperative Extension Service.

Currently, the Cooperative Extension Service provides research-based information to Hawaii's diversified agricultural industries, which continue to grow and increase in value.

The establishment of a quantitative basis for increasing the Cooperative Extension Service's current service base will allow extension agents to achieve goals that are currently hard to reach due to major budgetary constraints.

Your Committee received testimony in favor of the resolution from the Dean of the College of Tropical Agriculture and Human Resources.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 174 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1410-90 Human Services on H.R. No. 282

The purpose of this resolution is to reconfirm the commitment of the Hawaii State Legislature to the development of community facilities and programs that can safely and thoughtfully return offenders to productive participation in the community.

Your Committee finds that the development of community facilities and programs may provide an important and less costly alternative to massive prison construction, as well as allow offenders to restructure employment, family ties, as well as substance abuse programs which provide the essential bridge for returning to the community.

Your Committee received testimony in support of this measure from the Department of Corrections and the Governor's Special Master on Corrections.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 282 and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee.

SCRep. 1411-90 Human Services on H.C.R. No. 269

The purpose of this concurrent resolution is to reconfirm the commitment of the Hawaii State Legislature to the development of community facilities and programs that can safely and thoughtfully return offenders to productive participation in the community.

Your Committee finds that the development of community facilities and programs may provide an important and less costly alternative to massive prison construction, as well as allow offenders to restructure employment, family ties, as well as substance abuse programs which provide the essential bridge for returning to the community.

Your Committee received testimony in support of this measure from the Department of Corrections and the Governor's Special Master on Corrections.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 269 and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee.

SCRep. 1412-90 Human Services on H.R. No. 118

The purpose of this resolution is to determine the feasibility, including the placement and cost, of planning, designing, and constructing a multipurpose center on the Waianae coast to serve the residents of Waianae, Nanakuli, Maili, and Makaha.

Your Committee received testimony in support of this resolution from the Department of Accounting and General Services (DAGS) and several members of the Waianae coast community.

The members of the Waianae coast community testified that because of the time and distance factors, many Waianae coast residents are unable to enjoy the kinds of community and cultural events which their urban counterparts are able to attend on a regular basis. Moreover, the lack of an appropriate facility closer to home has further prevented Waianae coast residents from enjoying these kinds of events. The testifiers described their community as a close-knit group despite its diverse ethnic and socio-economic composition. They are proud of their community and feel an appropriate arena for the sharing of views, information, talents, culture, and friendship is greatly needed.

The community members added that the expanding population of the Waianae coast, including the development of West Beach, a planned retirement village, and many new housing units also indicate the need for a multipurpose center.

Your Committee has amended this resolution as follows:

- (1) Requested the Department of Human Services, with the cooperation of DAGS, to examine the feasibility of incorporating a multipurpose center into the family support center concept for the Waianae Coast, and changed the title of the resolution accordingly;
- (2) Directed that a certified copy of the concurrent resolution be transmitted to the Director of Human Services; and

- (3) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 118, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 118, H.D. 1.

Signed by all members of the Committee.

SCRep. 1413-90 Human Services on H.C.R. No. 106

The purpose of this concurrent resolution is to determine the feasibility, including the placement and cost, of planning, designing, and constructing a multipurpose center on the Waianae coast to serve the residents of Waianae, Nanakuli, Maili, and Makaha.

Your Committee received testimony in support of this concurrent resolution from the Department of Accounting and General Services (DAGS) and several members of the Waianae coast community.

The members of the Waianae coast community testified that because of the time and distance factors, many Waianae coast residents are unable to enjoy the kinds of community and cultural events which their urban counterparts are able to attend on a regular basis. Moreover, the lack of an appropriate facility closer to home has further prevented Waianae coast residents from enjoying these kinds of events. The testifiers described their community as a close-knit group despite its diverse ethnic and socio-economic composition. They are proud of their community and feel an appropriate arena for the sharing of views, information, talents, culture, and friendship is greatly needed.

The community members added that the expanding population of the Waianae coast, including the development of West Beach, a planned retirement village, and many new housing units also indicate the need for a multipurpose center.

Your Committee has amended this concurrent resolution as follows:

- (1) Requested the Department of Human Services, with the cooperation of DAGS, to examine the feasibility of incorporating a multipurpose center into the family support center concept for the Waianae Coast, and changed the title of the concurrent resolution accordingly;
- (2) Directed that a certified copy of the concurrent resolution be transmitted to the Director of Human Services; and
- (3) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 106, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 106, H.D. 1.

Signed by all members of the Committee.

SCRep. 1414-90 Human Services and Intergovernmental Relations and International Affairs on H.R. No. 152

The purpose of this resolution is to urge the Hawaii congressional delegation to support federal legislation to allow social security and supplemental security income cost of living allowances received by persons on public assistance, medicaid, food stamps, and federally funded housing programs to be passed through without affecting their eligibility for these benefits.

Your Committees received testimony in support of this measure from the Department of Human Services, the State Planning Council on Developmental Disabilities, Alu Like, the Committee on Welfare Concerns, the Honolulu Community Action Program, the Kokua Council for Senior Citizens, the Life Foundation, the National Association of Social Workers, and the Makua Alii Tenants' Association.

Your Committees find that although the cost-of-living allowances are designed to help maintain clients of social security and supplemental security income programs at the same standard of living from year to year, the effect of the annual increase in the cost-of-living allowances is an actual decrease in the amount and type of benefits that a client may receive. This can have a devastating effect on people who may lose their eligibility for medical assistance, food stamps, and housing benefits.

Your Committees on Human Services and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 152 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1415-90 Human Services and Intergovernmental Relations and International Affairs on H.C.R. No. 138

The purpose of this concurrent resolution is to urge the Hawaii congressional delegation to support federal legislation to allow social security and supplemental security income cost of living allowances received by persons on public assistance, medicaid, food stamps, and federally funded housing programs to be passed through without affecting their eligibility for these benefits.

Your Committees received testimony in support of this measure from the Department of Human Services, the State Planning Council on Developmental Disabilities, Alu Like, the Committee on Welfare Concerns, the Honolulu Community Action Program, the Kokua Council for Senior Citizens, the Life Foundation, the National Association of Social Workers, and the Makua Alii Tenants' Association.

Your Committees find that although the cost-of-living allowances are designed to help maintain clients of social security and supplemental security income programs at the same standard of living from year to year, the effect of the annual increase in the cost-of-living allowances is an actual decrease in the amount and type of benefits that a client may receive. This can have a devastating effect on people who may lose their eligibility for medical assistance, food stamps, and housing benefits.

Your Committees on Human Services and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 138 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1416-90 Human Services and Consumer Protection and Commerce on H.R. No. 150

The purpose of this resolution is to request the Department of Human Services to compare the reimbursement rates and services between Medicaid and other health insurance plans in the State.

Your Committees find that a comparison of reimbursement rates and procedures will provide a better base for program planning and development of services.

Your Committees received testimony in support of this measure from the Department of Human Services, the Hawaii Medical Service Association, and the Healthcare Association of Hawaii.

Your Committees have amended the resolution by requesting the Department of Human Services to submit a preliminary report of their findings to the Governor's blue ribbon panel on the health care industry.

Your Committees on Human Services and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 150, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 150, H.D. 1.

Signed by all members of the Committees.

SCRep. 1417-90 Human Services and Consumer Protection and Commerce on H.C.R. No. 136

The purpose of this concurrent resolution is to request the Department of Human Services to compare the reimbursement rates and services between Medicaid and other health insurance plans in the State.

Your Committees find that a comparison of reimbursement rates and procedures will provide a better base for program planning and development of services.

Your Committees received testimony in support of this measure from the Department of Human Services, the Hawaii Medical Service Association, and the Healthcare Association of Hawaii.

Your Committees have amended the resolution by requesting the Department of Human Services to submit a preliminary report of their findings to the Governor's blue ribbon panel on the health care industry.

Your Committees on Human Services and Consumer Protection and Commerce 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 Committees.

SCRep. 1418-90 Human Services and Judiciary on H.R. No. 170

The purpose of this resolution is to request the Department of Corrections to prepare a plan which ensures that all instances of use of force within its facilities shall be justified. The plan shall include, but not be limited to:

- (1) Mandatory, standard use-of-force training for correctional officers and supervisors;
- (2) Acquisition and maintenance of standard defensive weapons for use-of-force situations;
- (3) Methods for impartial investigation of all allegations of excessive use of force against inmates; and
- (4) Actions to be taken in instances of excessive and unnecessary use of force.

This resolution also directs the Department of Corrections to allocate adequate resources from its training budget to purchase or develop a standard use-of-force training module.

Additionally, this resolution establishes an advisory committee within the Department of Corrections to develop and monitor the Department's use-of-force plan.

Your Committees received testimony from the Department of Corrections which indicated that the Department already has a standardized training curriculum which addresses the appropriate use of force.

However, your Committees also received testimony from the American Civil Liberties Union of Hawaii, a physician working at the correctional facilities, and a private citizen which elaborated on the excessive use of force by correctional officers at several facilities and the lack of training regarding the use of justified force. Concerns were also expressed about inmates not being able to report instances of correctional officer misconduct due to fear of retaliatory actions.

The testimony also indicated that the Department of the Attorney General should not be included in the advisory committee because of potential conflicts of interest.

Additionally, the Hawaii Chapter of the American Civil Liberties Union requested that it be removed from the proposed advisory committee.

Your Committees find that a better plan regarding the use of force in Hawaii's correctional facilities is needed. Your Committees also find that there is a need for monitoring and evaluation of instances of use of force within the facilities.

Based on the foregoing, your Committees have amended the resolution as follows:

- (1) Directed that the advisory committee monitor and evaluate instances of use of force within Department of Corrections facilities, in addition to developing and monitoring the Department of Corrections' use-of-force plan;
- (2) Deleted language requiring the Department of the Attorney General and the American Civil Liberties Union to be part of the advisory committee;
- (3) Required the Office of the Ombudsman to be on the advisory committee;
- (4) Clarified that "discharged offenders not currently on parole" rather than "ex-convicts" shall be on the advisory committee; and
- (5) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committees on Human Services and Judiciary concur with the intent and purpose of H.R. No. 170, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 170, H.D. 1.

Signed by all members of the Committees.

SCRep. 1419-90 Human Services and Judiciary on H.C.R. No. 156

The purpose of this concurrent resolution is to request the Department of Corrections to prepare a plan which ensures that all instances of use of force within its facilities shall be justified. The plan shall include, but not be limited to:

- (1) Mandatory, standard use-of-force training for correctional officers and supervisors;
- (2) Acquisition and maintenance of standard defensive weapons for use-of-force situations;
- (3) Methods for impartial investigation of all allegations of excessive use of force against inmates; and
- (4) Actions to be taken in instances of excessive and unnecessary use of force.

This concurrent resolution also directs the Department of Corrections to allocate adequate resources from its training budget to purchase or develop a standard use-of-force training module.

Additionally, this concurrent resolution establishes an advisory committee within the Department of Corrections to develop and monitor the Department's use-of-force plan.

Your Committees received testimony from the Department of Corrections which indicated that the Department already has a standardized training curriculum which addresses the appropriate use of force.

However, your Committees also received testimony from the American Civil Liberties Union of Hawaii, a physician working at the correctional facilities, and a private citizen which elaborated on the excessive use of force by correctional officers at several facilities and the lack of training regarding the use of justified force. Concerns were also expressed about inmates not being able to report instances of correctional officer misconduct due to fear of retaliatory actions.

The testimony also indicated that the Department of the Attorney General should not be included in the advisory committee because of potential conflicts of interest.

Additionally, the Hawaii Chapter of the American Civil Liberties Union requested that it be removed from the proposed advisory committee.

Your Committees find that a better plan regarding the use of force in Hawaii's correctional facilities is needed. Your Committees also find that there is a need for monitoring and evaluation of instances of use-of-force within the facilities.

Based on the foregoing, your Committees have amended the concurrent resolution as follows:

- (1) Directed that the advisory committee monitor and evaluate instances of use-of-force within Department of Corrections facilities, in addition to developing and monitoring the Department of Corrections' use-of-force plan;
- (2) Deleted language requiring the Department of the Attorney General and the American Civil Liberties Union to be part of the advisory committee;
- (3) Required the Office of the Ombudsman to be on the advisory committee;
- (4) Clarified that "discharged offenders not currently on parole" rather than "ex-convicts" shall be on the advisory committee; and
- (5) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committees on Human Services and Judiciary concur with the intent and purpose of H.C.R. No. 156, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 156, H.D. 1.

Signed by all members of the Committees.

SCRep. 1420-90 Consumer Protection and Commerce on H.C.R. No. 324

The purpose of this concurrent resolution is to request the Director of Taxation to formulate an equitable tax policy for financial institutions with consultation from representatives from the Tax Review Commission, the Tax Foundation of Hawaii, the Hawaii League of Savings Institutions, and the Hawaii Bankers Association.

The Tax Review Commission (Commission), the Hawaii Bankers Association (HBA), the Hawaii League of Savings Institutions (HLSI), and the Tax Foundation of Hawaii (Foundation) testified in favor of this measure. All parties agreed that the tax laws affecting the financial institution are due for reform.

The HBA and HLSI requested that the reference to the Senate Bill should be corrected to reflect the most recent version of the bill.

The Department testified that they had no opposition to this measure. The Department stated that financial institutions have been treated differently due to requirements that were once imposed by federal law. The Department stated that to help the State deal effectively with the changes in the banking industry and achieve an equitable tax policy, it is necessary to streamline or update the franchise tax and revise the general excise tax laws. The Department noted that the Tax Review Commission dissolves on the adjournment of this Legislature sine die, thus the reference to them should be deleted. The Department requested that the Financial Loan Services Associations be included as one of the representatives.

The Foundation suggested that either the staff or chairperson of the Commission serve in consultation with the Department on this issue since this issue was the recommendation of the Commission. The Commission stated it was ready to participate with the Department in the discussion even though the Commission would be dissolved.

Your Committee believes that the tax laws affecting the financial institutions are in need of modernization, especially in view of the repeal of federal laws in this area. Therefore, your Committee has amended this resolution in the following manner:

- (1) Included the representative of the Tax Review Commission since the Commission indicated that it was willing to participate in the discussion even though the commission itself is dissolved;
- (2) Changed the reference of the Senate Bill number to reflect the most current draft of the bill;
- (3) Included the representative of the Financial Services Loan Association to participate in the discussion since financial services organizations will also be affected.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 324, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 324, H.D. 1.

Signed by all members of the Committee except Representatives Andrews, Peters and Shon.

SCRep. 1421-90 Agriculture on H.C.R. No. 218

The purpose of this concurrent resolution is to request the Department of Agriculture (DOA) to consider the Kaluanui Farms Subdivision in Punaluu, Oahu, among the potential sites for future acquisition and development as a State agricultural park.

Currently, there are four agricultural parks on Oahu (Kahuku, Waianae, Waimanalo-Phase 2, and Waiahole) in various stages of construction or lease disposition. The DOA is also considering development of a park for livestock on Oahu. Since the agricultural parks law authorizes the State to acquire private lands for such purposes, this concurrent resolution identifies the Kaluanui Farms site as a potential site for acquisition.

Testimony from the DOA indicated that it will review the Kaluanui Farms site as a possible site for an agricultural park with its ad hoc site selection advisory committee (composed primarily of farmers from the Hawaii Farm Bureau Federation).

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 218 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1422-90 Agriculture on H.C.R. No. 282

The purpose of this concurrent resolution is to request the Governor's Agriculture Coordinating Committee (GACC) to form a committee to study whether it is feasible to establish an agricultural research and development institute and to examine alternative management structures, operations, and sources of funding.

Currently, aside from the efforts of the Hawaiian Sugar Planters' Association and other smaller private industry or industry groups, most of Hawaii's agricultural research and development activities are conducted by the University of Hawaii. Some members of the agricultural community, concluding that the University of Hawaii is having certain difficulties meeting the ever increasing demand for agricultural research and development, propose the establishment of an alternate but complementary agricultural research institute with an industry-oriented organizational and operational structure as a solution to this problem.

The testimony indicated that:

- (1) There is a growing awareness among the agricultural community that the existing system for agricultural research is inadequate, and that the system needs to be modified if the emerging diversified Hawaiian agricultural industry is to maintain its competitive position with technology and efficiency evolving from agricultural research;
- (2) Because of its inherent educational orientation, the College of Tropical Agriculture and Human Resources cannot meet all of the agricultural industry's needs for timely research, including development of advanced agricultural technology; and
- (3) There is need for a small active committee: (1) to design a plan for an independent and industry oriented research and development institute; and (2) to obtain an industry-wide agreement on the plan.

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

Signed by all members of the Committee.

SCRep. 1423-90 Education on H.C.R. No. 121

The purpose of this concurrent resolution is to request that the Department of Education (DOE) consider and develop simple, school-based procedures to allow all students to attend the public school of their choice.

Testimony supporting the intent of this measure was submitted by the DOE, the Hawaii State Teachers Association, the League of Women Voters, and other interested citizens.

Your Committee has amended this measure by:

- (1) Amending the title to request that the DOE promote procedures to encourage open enrollment;
- (2) Inserting language to express that school/community-based management should result in curricular flexibility and diversification among the schools;
- (3) Inserting language to note that open enrollment is related to District Exceptions and a DOE task force is currently recommending amendments to the Hawaii Administrative Rules with regard to the definition and procedural guidelines of District Exceptions;
- (4) Amending language that the DOE consider and promote procedures to facilitate open enrollment in the public schools; and
- (5) Making technical, nonsubstantive revisions for purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 121, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 121, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Hirayama, Honda and Tom.

SCRep. 1424-90 Intergovernmental Relations and International Affairs and Agriculture on H.C.R. No. 328

The purpose of this concurrent resolution is to request Hawaii's congressional delegation to introduce and help enact legislation that will:

- (1) Eradicate the brown tree snake in the territory of Guam;
- (2) Prevent the spread of this reptile to the other Pacific Island nations, the United States territories, and the State of Hawaii; and
- (3) Enable the territory of Guam and the various federal agencies involved (the Departments of Agriculture, Defense, and Interior) to implement or intensify their efforts to control or prevent the spread of this pest from Guam to other regions.

The testimony indicated that:

- (1) The large population of brown tree snakes in Guam increases the chances for this snake to "hitch-hike" its way to the non-infested regions through cargoes or on air and sea vessels;
- (2) The potential arrival and establishment of this snake in Hawaii pose the biggest ecological, economic, and environmental threat in the State;
- (3) Millions of dollars in damages (excluding ecological damages such as the decimation of the bird population) are caused annually by this snake in Guam. Thus far, Guam has failed to eradicate this snake;
- (4) A comprehensive community education and awareness program as well as an effective contingency plan to stop the snake's arrival in Hawaii are needed;
- (5) Federal funds are needed to conduct research and to implement control programs (two million dollars over a five-year period); and
- (6) In Hawaii:
 - (a) The United States Custom inspectors, working with the United States Department of Transportation, and the military custom inspectors (trained by U.S. Customs) check all cargoes and passengers arriving from Guam. Plant or animal violations are referred to the United States Department of Agriculture. The State Department of Agriculture (DOA) is responsible for the capture of any snake at the port-of-entry;
 - (b) The State has a brown tree snake interagency contingency planning group coordinated by the DOA (this group, including the military, is currently focusing its plans on Guam); and
 - (c) The Department of Land and Natural Resources has established SWAT teams (located on all major Islands) responsible for the eradication and capture of any snake in the wild.

Your Committees, upon further consideration, have made the following amendments:

- (1) To correct a technical error on the 10th WHEREAS clause on page 2 of this resolution, as received; and
- (2) To include the Department of Transportation and the Department of Treasury (responsible for custom inspection through its U.S. Custom Service) as participating agencies in the first BE IT FURTHER RESOLVED clause on page 4, paragraph (3); and as the identified departments to receive a certified copy in the last BE IT FURTHER RESOLVED clause.

Your Committees on Intergovernmental Relations and International Affairs and Agriculture concur with the intent and purpose of H.C.R. No. 328, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 328, H.D. 1.

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

SCRep. 1425-90 Intergovernmental Relations and International Affairs and Education on H.C.R. No. 240

Your Committees find that the Armed Services personnel stationed in Hawaii are important and active members of our community, and that they contribute in many ways to help enrich life in Hawaii. In particular, the Armed Services Personnel stationed in Hawaii deserve to be recognized and commended for their active involvement in the State's efforts to improve and strengthen the public school system.

Your Committees concur that military personnel stationed here are exemplary participants in and supporters of the State's public education system, and that the interaction between the military and educational communities has grown into a productive, strong, and vibrant partnership. For example, they serve as tutors, lecturers, sports coaches, fund raisers, and school board members. In addition to their willingness to participate in their children's education, their broad experiences, dedication to excellence, and commitment to their families and children make them especially valuable resources.

Your Committees have amended this concurrent resolution to include the State Superintendent of Education, Hawaii's Congressional Delegation, the U.S. Secretary of Education, the U.S. Secretary of Defense, and the U.S. Secretaries of the Army, Navy, and Air Force as recipients of certified copies of this concurrent resolution.

Testimony in support of this measure was received from the Lieutenant Governor, the Superintendent of Education, and members of the Education Task Force of the Military Affairs Council of the Chamber of Commerce.

Your Committees on Intergovernmental Relations and International Affairs and Education concur with the intent and purpose of H.C.R. No. 240, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 240, H.D. 1.

Signed by all members of the Committees except Representatives Hashimoto, Honda, Yonamine and Hemmings.

SCRep. 1426-90 Intergovernmental Relations and International Affairs on H.C.R. No. 341

The purpose of this concurrent resolution is to urge the Congress of the United States to enact legislation to provide for the return of lands originally condemned by the Federal government for public uses and which are no longer used for such public uses to the original landowners on equitable terms, and compensation.

Your Committee understands that the Federal government has the power under the Constitution of the United States to condemn and seize private property, if it can justify that such land will be used for a specific public benefit. This right, known as the power of eminent domain, conflicts with another Constitutional freedom, the right of the individual to purchase and legally own private property free from government oppression.

In instances of eminent domain, the rights of the government subvert the rights of the individual, if the government can show good cause that the benefits to the public welfare would far outweigh the benefits if the land were to remain in the hands of private landowners.

However, your Committee notes examples where properties condemned for public use are no longer utilized by the Federal government for the reasons which they were originally condemned. Your Committee agrees that such properties should be returned to the original owners, provided that the process is fair and equitable to all parties involved.

It is your Committee's intent that this concurrent resolution would urge Congress to propose legislation that would strengthen the legal checks and balances which protect citizens from government oppression. It would also provide a means of compensation to landowners, seeking to reacquire property lost to government acquisition.

Your Committee received favorable testimony from Kamehameha Schools/Bishop Estate.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 341 and recommends its adoption.

Signed by all members of the Committee except Representative Yonamine.

SCRep. 1427-90 Finance on H.C.R. No. 238

The purpose of this concurrent resolution is to conduct a study of the factors contributing to the pyramiding effects of the general excise tax on the leasing of real property and other sales of goods and services.

The concurrent resolution requests the Director of Taxation to convene meetings with the Tax Foundation of Hawaii, the Chamber of Commerce of Hawaii, the Small Business Hawaii, and other interested persons to help solve these concerns. The concurrent resolution further requests the parties to draft suggested statutory language which would phase in a solution to the concerns addressed by this concurrent resolution for review by the 1991 Legislature.

Your Committee received testimony in support of this concurrent resolution from the Director of Taxation, the Tax Review Commission, the Tax Foundation of Hawaii, the Chamber of Commerce of Hawaii, and the Hawaii Association of Realtors.

Your Committee finds that this concurrent resolution provides a forum for the Department of Taxation and the private sector in which to work together to further resolve the pyramiding effects of the general excise tax, thereby improving the State's general economic and business development climate.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 238 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1428-90 Housing; Human Services; and Intergovernmental Relations and International Affairs on H.C.R. No. 182

The purpose of this concurrent resolution is to have the United States Congress and the Department of Housing and Urban Development be urged to revise its rules to permit elderly housing projects to keep disabled adults who are prone to violence out of elderly housing projects, and to have the Hawaii Housing Authority and the Executive Office on Aging and county offices on aging determine how to provide more security and afford more "peace of mind" to the residents of elderly housing projects who do have disabled adults among them.

Your Committees received favorable testimony from the Executive Office on Aging, the Hawaii Housing Authority, the Makua Alii Tenants Association, the Kokua Council for Senior Citizens and two elderly citizens residing in public housing. Their testimony strongly agree that individuals prone to violence should not be permitted to reside in elderly housing projects, and that all persons, regardless of age, deserve to live without fear and threats of violence and

intimidation. The testimony illustrated the elderly's fearful experiences and encounters with tenants prone to violence, and the intimidation the elderly feel when subject to emotionally disturbed but physically superior non-elderly tenants.

Upon further consideration, your Committees have amended this concurrent resolution as follows:

- 1) Changed Title: REQUESTING THE MENTAL HEALTH DIVISION OF THE DEPARTMENT OF HEALTH, THE HAWAII HOUSING AUTHORITY, AND THE EXECUTIVE OFFICE ON AGING WORK COOPERATIVELY TO PREVENT INAPPROPRIATE PLACEMENT OF ADULTS WHO ARE NOT ELDERLY IN ELDERLY HOUSING PROJECTS.
- 2) Revised the second WHEREAS clause to state that federally funded elderly housing projects are allowed to provide housing for adults who are not elderly.
- 3) Replaced the term "disabled adults" with "adults who are not elderly".
- 4) Revised the first BE IT RESOLVED clause so that the Hawaii Housing Authority, the Mental Health Division of the Department of Health, and the Executive Office on Aging would be urged to develop procedures to prevent the placement of adults, who qualify for placement in public housing for the elderly, but are inappropriate because they pose a threat to elderly tenants.
- 5) Removing the Secretary of Housing and Urban Development from the last BE IT FURTHER RESOLVED clause.
- 6) Made technical, non-substantive amendments for purposes of style and clarity.

Your Committees on Housing and Human Services and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 182, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 182, H.D. 1.

Signed by all members of the Committees except Representatives Hirayama, Metcalf, Peters, Yonamine, Yoshimura and Cavasso.

SCRep. 1429-90 Housing and Legislative Management on H.C.R. No. 278

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study the feasibility of making a single agency responsible for affordable housing.

Presently both the State and the counties are involved in planning and building affordable housing but do not compete for the same funds.

Your Committee heard testimony opposing the concurrent resolution from the House Finance and Development Corporation, the Hawaii Housing Authority and the Department of Housing and Community Development of the City and County of Honolulu. The Building Industry Association of Hawaii pointed out the pitfalls of establishing a single agency which would still have to work with all other housing segments on requirements, needs and conditions.

Your Committees agreed that it would not be feasible for the Legislative Reference Bureau to do this study but that it should be undertaken by the Committee on Housing during interim. Your Committees also agreed that the study should be broadened to include non-profit as well as government agencies.

Your Committees have made the following amendments:

- (1) Changed the title to read: "Requesting the Committee on Housing of the House of Representatives to conduct an Overview of State and County Housing Agencies with the Objective of Clarifying the Responsibilities of those Agencies;
- (2) Deleted paragraphs 4 and 5;
- (3) Directed the Committee on Housing to study the continuum of available housing services, including, but not limited to, homeless and transitional shelters, rentals under public housing, cooperative ownership, and affordable housing;
- (4) Directed the Committee on Housing to examine services provided by non-profit agencies and to define "affordable housing";
- (5) Directed the Committee on Housing to study and analyze the responsibilities of both state and county agencies and highlight those areas in which there is overlapping jurisdiction; and
- (6) Made technical, non-substantive amendments for the purposes of clarity and style.

Your Committees on Housing and Legislative Management concur with the intent and purpose of H.C.R. No. 278, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 278, H.D. 1.

Signed by all members of the Committees except Representatives Alcon, Chang, Kihano, Peters, Cavasso and Hemmings.

SCRep. 1430-90 Human Services; Health; and Intergovernmental Relations and International Affairs on H.C.R. No. 280

The purpose of this concurrent resolution is to request the United States Congress and the United States Secretary of Veterans Affairs to eliminate the 12-1/3 acre site near Booth Road in Pauoa Valley from the list of possible sites for the proposed veterans hospital in Hawaii.

Your Committee received testimony in support of this measure from the State representative of the 33rd District and a concerned citizen.

The State representative testified that residents of the 33rd District were adamantly opposed to the hospital being built at the Booth Road site. The surrounding community, currently zoned as single-family residential, lacks the infrastructure which is necessary to support the hospital and its level of activity. Residents have expressed many concerns regarding traffic congestion, noise and air pollution, and disruption of the peaceful, single-family residential character of Pauoa Valley.

Your Committees find that the building and operation of the veterans hospital will have a tremendous impact on residents, businesses, and communities in close proximity to the selected site. Your Committees also find that because many legitimate concerns have been raised about the negative impact of building the hospital at particular sites, a forum is needed in the State of Hawaii to address public concern and gather public input for consideration in the site selection process.

For the foregoing reasons, your Committees have amended the concurrent resolution as follows:

- (1) Directed the focus of the concurrent resolution to all seven proposed sites rather than just the Booth Road site;
- (2) Requested that the Secretary of Veterans Affairs provide a forum in the State of Hawaii wherein public concerns and input will be addressed and received for consideration in the site selection process;
- (3) Requested that as part of the site selection process, the Department of Veterans Affairs and the Secretary of Veterans Affairs consider hospital access, site and area infrastructure, and impact on surrounding communities, including but not limited to disruption of the character of residential communities, potential hazards, noise and air pollution, parking problems, and traffic congestion;
- (4) Directed that a certified copy of the concurrent resolution be transmitted to the Office of Veterans Affairs; and
- (5) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committees on Human Services, Health, and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 280 as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 280, H.D. 1.

Signed by all members of the Committees except Representatives Baker, Hirayama, Hirono, Metcalf, Oshiro, Peters, Tam, Yonamine, Yoshimura and Cavasso.

SCRep. 1431-90 Human Services and Health on H.C.R. No. 140

The purpose of this concurrent resolution is to request the Departments of Health and Human Services to coordinate efforts to maximize federal Medicaid funds as recommended by the Legislative Auditor's report entitled, "Study and Plan for Maximizing Federal Medicaid Funds for Hawaii".

Your Committees received testimony in support of the intent of this concurrent resolution from the Departments of Health and Human Services, the Hawaii Public Health Association, the Honolulu Community Action Program, Inc., the State Planning Council on Developmental Disabilities, the Hawaii Centers for Independent Living, and the Committee on Welfare Concerns.

The Department of Human Services testified that it recently acquired a Research and Development Program Specialist whose primary responsibility is to ensure that appropriate program staff coordinate efforts with the Department of Health to evaluate and implement the recommendations of the Auditor's report.

The Department of Health testified that it has considered acquiring a similar position to ensure coordination of efforts with the Department of Human Services.

The Committee on Welfare Concerns emphasized that because state responsibility for health care is divided between the Departments of Health and Human Services, it is vital that their efforts be coordinated to ensure that the citizens of the state have adequate health care. Although many of the Auditor's recommendations are currently being implemented, much more remains to be done.

Your Committees express concern with the policy of the Department of Human Services which requires State moneys to cover 100 percent of the costs of Medicaid until such time as the Department seeks and obtains federal reimbursement. Your Committees believe that this policy does not foster incentive to promptly and aggressively pursue maximum federal reimbursement.

Your Committees have amended this concurrent resolution as follows:

- (1) Added language which expresses concern regarding the policy of the Department of Human Services that requires the State to cover 100 percent of the costs of Medicaid up front, and requested the Department to address these concerns;
- (2) Clarified that the Departments of Health and Human Services, in developing and implementing the strategic plan, shall:
 - (A) Broaden Medicaid coverage and improve policies and procedures for federal reimbursement;
 - (B) Mutually establish a process which will ensure effective, consistent, and on-going interdepartmental communication and coordination;
 - (C) Open the administrative processes of the departments to input from interested community groups;
 - (D) Develop more effective information systems for monitoring, assessing, and implementing Medicaid options and coverage;
 - (E) Establish within each department at least one staff position which will act as the designated focal point for monitoring, assessing, developing, and implementing the strategic plan; and
 - (F) Identify other state health policy issues and programs requiring coordination between the two departments, including the State Health Insurance Program, and develop plans and mechanisms for interdepartmental collaboration;
- (3) Required both departments to report their findings and recommendations to the Legislature with the option that they may report either jointly or individually; and
- (4) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committees on Human Services and Health 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 Metcalf, Peters, Tam and Cavasso.

SCRep. 1432-90 Human Services on H.C.R. No. 148

The purpose of this concurrent resolution is to shorten the generic application form used by the Department of Human Services for financial assistance applications.

Your Committee received testimony in support of the intent of this concurrent resolution from the Honolulu Community Action Program, Inc., the State Planning Council on Developmental Disabilities, the Committee on Welfare Concerns, and a private citizen. This testimony indicated that the 44-page generic application form currently used by the Department of Human Services is excessively cumbersome and intimidating in its length and detail. Many eligible applicants for public assistance entitlement programs are so overwhelmed by the application process itself, that they give up all hope before they have even begun the process.

The Committee on Welfare Concerns also testified that a separate form should be designed for food stamp application since many families only seek food stamps assistance.

The Department of Human Services testified that the present 44-page generic application has streamlined the application process by giving the applicant an opportunity to apply, via one application, for food stamps, medicaid, or a combination for money payment benefits. However, because the Department is aware of continuing processing delays and client frustration and confusion, it is currently engaged in the lengthy and complicated process of designing a shortened generic form which will conform to applicable regulations.

Based on the foregoing, your Committee has amended the concurrent resolution as follows:

- (1) Requested the Department of Human Services to design a separate form for food stamp applicants and amended the title of the concurrent resolution to reflect this additional request;
- (2) Required the Department of Human Services to submit a description and a copy of its separate food stamp application form to the Legislature no later than twenty days before the convening of the Regular Session of 1991; and
- (3) Made technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 148, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 148, H.D. 1.

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

SCRep. 1433-90 Intergovernmental Relations and International Affairs and Higher Education and the Arts on H.C.R. No. 225

The intent of this concurrent resolution is to convene a task force to determine the feasibility of establishing an international research park that is affiliated with the University of Hawaii.

Your Committees find that with the rise of Asian nations to prominence in the global economy, the importance of world trade has taken on an urgent significance to Hawaii's economy and its quest to become a center for international affairs.

Your Committees foresee that Hawaii has the opportunity to emerge as an international leader in the Pacific region. However, the increasing importance of the U.S. relationship with Pacific Rim countries has meant increased competition with other states for prominence in international relations.

Your Committees find that the State of Hawaii has many comparative advantages to other state including its location, its multi-ethnic population, its educational and community organizations, its airport, its trade routes and over-sea flight routes, and its first-class resort facilities.

However, your Committees also discern that Hawaii needs to upgrade its capabilities, in order to continue to attract foreign trade and commerce to the islands. Your Committee agrees that the current planning process is too uncoordinated and decentralized to effectively plan Hawaii's economic future and a new process is needed.

Your Committees concur that the creation of an international research park would expedite the research, coordination and discussion of such important international and economic issues as high technology research, foreign investment, foreign trade, and international finance.

The benefits of this proposal is that it would send a clear message to Hawaii's Pacific Rim neighbors. It would indicate the seriousness by which this state is addressing internationalism today. Furthermore, this research center would not only provide a more expedient means by which international issues would be addressed by the state, but it would also act as an international forum of intellectual dialogue and provocative discussion. It would enhance Hawaii's position as truly being the international gateway of the Pacific.

Your Committees received testimony in support from the University of Hawaii's School of Hawaiian, Asian, and Pacific Studies.

Your Committees on Intergovernmental Relations and International Affairs and Higher Education and the Arts concur with the intent and purpose of H.C.R. No. 225 and recommend its adoption.

Signed by all members of the Committees except Representatives Hashimoto, Souki, Yonamine and Hemmings.

SCRep. 1434-90 Intergovernmental Relations and International Affairs and Higher Education and the Arts on H.C.R. No. 224

The purpose of this concurrent resolution is to mandate a study to determine the feasibility of establishing an international service program at the University of Hawaii, which would educate and train individuals from Pacific Rim nations who are aspiring for diplomatic careers in the foreign service, and who have the intent of assisting their countries' expertise in international relations.

Your Committees foresee that because of rapid political, economic, and social integration among the Pacific Basin nations, there will be an increased need for qualified individuals who are capable of understanding and managing complex foreign policy issues.

Your Committees find that Hawaii's unique geopolitical situation, multi-cultural heritage, and multi-ethnic population attracts considerable numbers of people from Pacific nations to come to the University of Hawaii to pursue their education.

However, your Committees find that while the University of Hawaii has several fine programs in existence, the university currently lacks an international service program that addresses specifically the training of individuals interested in careers in the diplomatic corps, or as international and foreign policy experts. Your Committees believe that such a program would assist individuals from Pacific nations to define their countries' international role in Asia and the Pacific.

Your Committees concur that this program would be beneficial for several reasons. It would provide for the training of individuals for careers in foreign relations and international affairs, enhancing goodwill between Hawaii and her Pacific neighbors, through improved diplomatic relations. Lastly, this program would enhance Hawaii's emerging leadership role as an international center for commercial and information exchange in the Pacific.

Your Committees received testimony in support of this concurrent resolution from the University of Hawaii School of Hawaiian, Asian, and Pacific Studies.

Your Committees on Intergovernmental Relations and International Affairs and Higher Education and the Arts concur with the intent and purpose of H.C.R. No. 224 and recommend its adoption.

Signed by all members of the Committees except Representatives Hashimoto, Yonamine and Hemmings.

SCRep. 1435-90 Intergovernmental Relations and International Affairs and Housing on H.C.R. No. 56 (Majority)

The purpose of this concurrent resolution is to request the counties to investigate the relationship between real property tax rates and the availability of land for housing. Specifically, this concurrent resolution seeks to investigate the possibility of raising property taxes on unimproved land to encourage the property owners to develop the land for housing.

Your Committees find that Pennsylvania has apparently been successful in making more land available for housing by raising property taxes on unimproved land. Your Committees also recognize the need to examine innovative approaches to solving Hawaii's housing problem.

However, your Committees understand that land may remain undeveloped for various reasons, such as zoning, difficulty in finding a suitable developer, or long-range plans for the land. Your Committees are concerned that this concurrent resolution, as currently drafted, emphasizes raising tax rates on unimproved lands which would penalize these landowners. Your Committees find that it would be more prudent to shift the focus of this concurrent resolution to investigate the relationship between real property tax rates and the availability of land for housing.

Your Committees have amended the title of this concurrent resolution to more accurately reflect the intent of your Committees.

Your Committees on Intergovernmental Relations and International Affairs and Housing concur with the intent and purpose of H.C.R. No. 56, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 56, H.D. 1.

Signed by all members of the Committees.
(Representatives Peters and Anderson did not concur.)

SCRep. 1436-90 Intergovernmental Relations and International Affairs on H.C.R. No. 196

The purpose of this concurrent resolution is to request Hawaii's congressional delegation to take all appropriate steps to ensure that the United States Department of the Navy exercise its authority to enable CSC-Pan Am to provide job security for the present work force at the Pacific Missile Range Facility at Barking Sands.

Your Committee finds that the Pacific Missile Range Facility is the largest single private employer on Kauai, currently employing 450 workers for security service, fire protection, air field and radar support, building maintenance and trash collection for the base facility.

Testimony indicated the current government contractor, Computer Sciences Corporation (CSC)-Pan Am, eliminated 29 full-time positions in April, 1989, an action which was accomplished amicably through a generous voluntary termination program agreed to by Local 1260 (the International Brotherhood of Electrical Workers, IBEW). CSC-Pan Am has recently indicated its intention to eliminate 35 positions and reduce the work hours of an additional 165 employees. However, in this most recent attempt, the contractor has stated an unwillingness to offer the same voluntary termination package, and negotiations between Local 1260 and CSC-Pan Am have so far been unsuccessful in resolving this problem.

CSC-Pan Am contends that the U.S. Department of the Navy has the authority to award additional work to the facility under a process called IDIQ (Indefinite Delivery, Indefinite Quantity), which, if granted, would enable the contractor to retain the present work force on a full-time basis.

Because of the importance of the PMRF to Kauai's economy, and because of the concern over the loss of jobs, it is crucial that management, labor, and government officials work together to resolve this unstable situation. This concurrent resolution requests Hawaii's Congressional Delegation to obtain the assistance of the Federal Government in providing job security for the present work force at the Pacific Missile Range Facility.

Your Committee received testimony in support of this measure from the International Brotherhood of Electrical Workers and the Kauai County Council.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 196 and recommends its adoption.

Signed by all members of the Committee except Representative Yonamine.

SCRep. 1437-90 Intergovernmental Relations and International Affairs on H.C.R. No. 101

The purpose of this concurrent resolution is to request the City and County of Honolulu Director of Transportation Services, in conjunction with the Mayor and Council of the City and County of Honolulu, to evaluate the conditions existing on Waipahu Street, with the objective of formulating a five-year development plan for Waipahu Street consistent with growth forecasts in surrounding areas.

Your Committee finds that as Waipahu has grown, Waipahu Street has become an increasingly important artery to the Waipahu community. However, this street was not built to handle the large number of cars it currently services, nor has it been upgraded to accommodate this increased use. Further, testimony indicated that the completion of the Waipahu Cultural Garden Park and the growth of the Waipahu community will contribute to even heavier usage of this street.

Your Committee therefore concurs that a plan is needed to upgrade Waipahu Street to accommodate current pedestrian and automobile traffic, as well as to address the increased use that is projected for this street.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 101 and recommends its adoption.

Signed by all members of the Committee except Representative Yonamine.

SCRep. 1438-90 Intergovernmental Relations and International Affairs on H.C.R. No. 98

The purpose of this concurrent resolution is to urge the President of the United States and the State Department to take all steps possible to secure the early release of all persons being held hostage by terrorists.

Although no testimony was presented, your Committee believes that the message contained in this concurrent resolution is compelling and urgent, and merits passage.

Your Committee recognizes that the United States Government is fully aware of its responsibilities to secure the early release of hostages held by terrorists, and that it currently has ongoing actions which are intended to carry them out. It is your Committee's intent that the concurrent resolution express the legislature's support of these efforts of the U.S. Government toward this end.

Your Committee on Intergovernmental Relations and International Affairs 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 Yonamine.

SCRep. 1439-90 Intergovernmental Relations and International Affairs on H.C.R. No. 241

The purpose of this concurrent resolution is to request the Office of State Planning to establish a task force to investigate and propose methods of streamlining the land use development permit process at both the state and county levels and to review existing streamlining efforts. Specifically, this concurrent resolution requests the task force to consider establishing concurrent processing of permit applications and providing for joint agency review of permit applications.

Your Committee finds that a great deal of concern exists over the multitude of permits and apparent overlap and duplication of regulatory measures. Testimony indicated that the entire permit process often takes between five and six years to complete, and that a prudent effort to streamline the land use approvals process is particularly needed to effectively respond to the current shortage of affordable housing.

Your Committee has amended this concurrent resolution to specify that the task force shall address streamlining within both the administrative and discretionary processes, and to reflect your Committee's intent that the task force give due consideration to the importance of preserving public input in the land use permit process.

Testimony was received in support of this measure from the Office of State Planning and the Land Use Research Foundation.

Your Committee on Intergovernmental Relations and International Affairs 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 Representative Yonamine.

SCRep. 1440-90 Intergovernmental Relations and International Affairs on H.C.R. No. 13

The purpose of this concurrent resolution is to urge the U.S. Internal Revenue Service and the U.S. Department of Housing and Urban Development to reclassify Hawaii as a high housing market area, and to amend the maximum loan values in Hawaii beyond limits currently imposed by the Federal Housing Administration and Veterans Administration insurance programs. This concurrent resolution also urges the Government National Mortgage Association to purchase Veteran Administration loans at the \$184,000 level.

Your Committee finds a recent survey by the National Association of Realtors depicts the Honolulu area as having the highest priced homes among 83 metropolitan areas nationwide, with the median price of an existing home being \$280,900 for the last quarter of 1989. This leaves a financing gap of just over \$100,000 between the FHA loan limits and the median cost of a home on Oahu. Raising the maximum loan amounts beyond the current limits would help to close the gap that now exists between the loan limits and the actual cost of median-priced housing in Hawaii.

Your Committee has amended this concurrent resolution by deleting the Whereas clause referring to the purchase of VA loans by the Government National Mortgage Association. It is your Committee's understanding that the GNMA has agreed to purchase VA loans at the \$184,000 level since late February or early March.

Your Committee has also made technical, non-substantive amendments for the purposes of clarity and style.

Testimony was received in support of this measure from the Housing Finance and Development Corporation.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 13, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 13, H.D. 2.

Signed by all members of the Committee.

SCRep. 1441-90 Intergovernmental Relations and International Affairs on H.C.R. No. 93

The purpose of this concurrent resolution is to urge the U.S. Congress to enact legislation that resolves the conflict between Fourth Amendment protection from the inspection of first class mail and the illegal importation of unmailable fruits, plants and animals through first class mail by establishing standards for the United States Postal Service to use in determining whether probable cause exists to inspect domestic first class mail.

Your Committee finds that first class mail has been used to transport plants and animals and their diseases into Hawaii from the mainland U.S. and foreign sources. While the U.S. Department of Agriculture currently has the authority to inspect first class mail from foreign sources, state and federal agencies lack the same authority to inspect first class mail from domestic sources, unless permitted under court orders.

Your Committee has therefore amended this resolution to address the introduction of illegal plants, animals and pests from domestic sources and to more accurately reflect existing federal authority to inspect first class mail from foreign sources.

Your Committee received testimony in support of this measure from the State Board of Agriculture.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 93, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 93, H.D. 1.

Signed by all members of the Committee.

SCRep. 1442-90 Intergovernmental Relations and International Affairs on H.C.R. No. 60

The purpose of this concurrent resolution is to express the Legislature's intent to assist in the provision of financial resources to the City and County of Honolulu if it develops a uniform policy which treats all victims of all landslides in a fair, equitable, and reasonable fashion.

Your Committee finds that landslide victims not only suffer significant damage to their property, but in some cases, the damage endangers the health, safety, and well-being of affected residents. Your Committee recognizes the urgent need to assist landslide victims.

However, testimony indicated that the City and County of Honolulu does not, nor do they intend to, get involved in all landslides. For example, in the case of Kuliouou Valley, the problem is being resolved between the developer and the affected homeowners. In addition, it is against the policy of the City to use public funds for private purpose, and therefore the City does not undertake any repairs to private property.

The City has, however, spent over \$7 million dollars to date in consultant fees, land acquisition costs, construction costs, and cooperative studies. Their efforts consist primarily of implementing temporary, emergency measures and identifying, for possible future implementation, long-term, permanent measures to stabilize land movement.

It is your Committee's understanding that many more expenses will be incurred by the City before the problem is resolved, and it is your Committee's intent that the State assist the City in its efforts.

Your Committee has amended the title of this concurrent resolution and the Be It Resolved clause in accordance with testimony presented by the City and County of Honolulu Department of Public Works. Your Committee has also amended this concurrent resolution to have the City and County of Honolulu consider giving landslide victims who must be relocated priority in obtaining affordable housing.

Your Committee received testimony in support of this measure from the Department of Public Works of the City and County of Honolulu, the Aina Haina Community Association, and the Residents of Aina Haina Sliding Hillside.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 60, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 60, H.D. 1.

Signed by all members of the Committee.

SCRep. 1443-90 Intergovernmental Relations and International Affairs on H.C.R. No. 100

The purpose of this concurrent resolution is to request the Acting Chief of the Honolulu Police Department in conjunction with the Mayor and the Council of the City and County of Honolulu to evaluate the conditions existing in Waipahu and surrounding areas to determine the feasibility of establishing a police substation there. This concurrent resolution also requests that they consider expanding the existing police academy facilities to meet the space requirement of a Waipahu police substation.

Your Committee finds that residents of Waipahu are faced with high levels of crime in their community, including youth gang and drug-related activities. Not only does this exposure to crime disturb their peace of mind, it also jeopardizes the health and safety of residents and visitors alike.

Testimony from the Honolulu Police Department indicated that the establishment of a police substation in Waipahu would not necessarily reduce response time. However, other testifiers indicated that the visibility of a police substation and the officers that would be stationed there may be a deterrent to crime.

Your Committee has amended this concurrent resolution to express its intent that the Acting Chief of the Honolulu Police Department, the Mayor and the Council of the City and County of Honolulu, while conducting its study, include input from community agencies including the Waipahu Neighborhood Board, the Waipahu "Can Do" youth gang task force, the Waipahu Business Association, and the Waipahu YMCA.

Your Committee received testimony in support of this concurrent resolution from the Waipahu Neighborhood Board and residents of Waipahu.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 100, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 100, H.D. 1.

Signed by all members of the Committee except Representative Yonamine.

SCRep. 1444-90 Water and Land Use and Intergovernmental Relations and International Affairs on H.C.R. No. 214

The purpose of this concurrent resolution is to return the Federal-controlled lands of Makua Valley to the people of Hawaii. This measure calls for:

- (1) An assessment of the feasibility of establishing a State park in Makua Valley on State lands currently leased to the U.S. Army;
- (2) The Governor to notify the Federal government of potential non-renewal of lease or earlier termination than the lease term expiring on August 16, 2029, because of park development consideration; and
- (3) The Governor to request that the U.S. Army prepare a master plan for the restoration of the Valley to its natural condition.

Your Committees find that the Legislature and the City Council of the City and County of Honolulu have repeatedly sent signals to the Federal government for the return of Makua Valley to the State. In order to obtain the support of the State administration in this regard, your Committees have amended this concurrent resolution by inserting a new BE IT FURTHER RESOLVED clause that requests for the State administration to clarify its position on this issue.

Your Committees have also made technical amendments to this measure to conform it to recommended drafting style.

Your Committees on Water and Land Use and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 214, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 214, H.D. 1.

Signed by all members of the Committees except Representatives Bybee, Hirayama, Hirono, Horita, Okamura, Say, Souki, Stegmaier, Tajiri and Yonamine.

SCRep. 1445-90 Water and Land use on H.C.R. No. 165

The purpose of this concurrent resolution is to exclude the Division of Conservation and Resource Enforcement (Division) and its personnel from consideration for transfer to the Department of Public Safety because of the Division's diverse and different responsibilities.

Your Committee received supporting testimony from the Department of Land and Natural Resources and Hawaii's Thousand Friends.

Act 211, Session Laws of Hawaii 1989, requires that all public safety functions and employees of State Government be consolidated into the Department of Public Safety. Because the focus of the Division is on conservation and management of natural resources rather than threats to public safety, your Committee feels that it would not be appropriate to transfer the Division to the Department of Public Safety.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 165 and recommends its adoption.

Signed by all members of the Committee except Representatives Lee, Say and Stegmaier.

SCRep. 1446-90 Water and Land Use on H.C.R. No. 264

The purpose of this concurrent resolution is to consider the feasibility of the acquisition of lands owned by Bishop Museum in Waipio Valley on the Big Island by evaluating a variety of issues related to the State purchase and management of the Valley. This measure requests the establishment of a Task Force To Preserve Waipio Valley to conduct the requested evaluation.

Your Committee finds that there are compelling reasons for the State to acquire Waipio Valley from private owners. First of all, the Valley contains historic and cultural resources of significance to the people of Hawaii. And secondly, Bishop Museum, the owner of the lower portion of the Valley, has been unable to obtain adequate returns on these lands in order to meet its pressing financial needs to support on-going programs and operating costs.

This concurrent resolution calls for the Task Force to begin the process of studying various issues related to the use of the Valley including such concerns as limiting the number of visitors entering the Valley, reviewing the impact to the Valley from urban uses on upper lands that drain into the Valley, and so forth.

Your Committee received testimony on this concurrent resolution from the Department of Land and Natural Resources (DLNR), the Governor's Agriculture Coordinating Committee, the Bishop Museum, and the Waipio Farmers' Association. Because DLNR believed that the reviews requested of the Task Force are fairly technical in nature, it recommended that funds be provided to hire consultants to complete the studies.

Your Committee on Water and Land Use concurs with the intent and purpose of H.C.R. No. 264 and recommends its adoption.

Signed by all members of the Committee except Representatives Lee, Say and Stegmaier.

SCRep. 1447-90 Economic Development and Hawaiian Affairs; Transportation; and Intergovernmental Relations and International Affairs on H.C.R. No. 262

The purpose of this concurrent resolution is to request the U.S. Department of Transportation and the U.S. Department of State to:

- (1) Enter into bilateral discussions with the agencies that approve airline routes for the governments of Singapore, Taiwan, and the British Crown Colony of Hong Kong to establish nonstop daily service by a major United States carrier between these locations and Honolulu, Hawaii; and
- (2) Explore the feasibility of establishing nonstop service between Hawaii and London, Paris, Rome, and other major European points of departure and arrival for international airline flights.

Your Committees find that an increase in the airline routes from Honolulu, Hawaii to these destinations would greatly enhance Hawaii's economic opportunities and diversify its economic base. In addition, the expansion of airline service would increase opportunities to promote Hawaii as a vacation destination.

Testimony in support of this concurrent resolution was submitted by the State Department of Transportation and the Hawaii Hotel Association.

The concurrent resolution has been amended to include an additional WHEREAS clause pointing out that the new routes would reduce Hawaii's dependency on limited markets.

Your Committees on Economic Development and Hawaiian Affairs and Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 262, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 262, H.D. 1.

Signed by all members of the Committees except Representatives Andrews, Baker, Hashimoto, Hirayama, Honda, Horita, Say, Souki, Yonamine and Marumoto.

SCRep. 1448-90 Labor and Public Employment on H.C.R. No. 204

The purpose of this concurrent resolution is to request the Office of Community Services in conjunction with the Office of the Attorney General, the Honolulu Community Action Program, Inc., the Hawaii County Economic Opportunity Council, the Maui Economic Opportunity, Inc., and the Kauai Economic Opportunity Inc. to undertake a study regarding the feasibility of converting private, non-profit community action agencies into a Statewide public entity.

The study shall include the impact on the continuation of receiving federal funding from the Community Service Block Grant program; the effect on daily operations of community action agencies after becoming a State entity; the manner in which the responsibilities of the tri-part board of directors may change; the structure of such a proposed State agency in relation to the Omnibus Act of 1981; and the relationship of said State entity with the Office of Community Services.

The Office of Community Services is requested to submit its observations and recommendation to the legislature twenty days prior to the convening of the Regular Session of 1991.

Your Committee received favorable testimony from the Hawaii County Economic Opportunity Council, the Maui Economic Opportunity, Inc., the Kauai Economic Opportunity, Inc., and the Honolulu Community Action Program, Inc.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 204 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1449-90 Labor and Public Employment on H.C.R. No. 180

The purpose of this House Resolution is to request the State Administration to review the contract policies of state agencies to ensure fair compensation and competitive salaries.

State agencies often contract non-profit social agency workers to supplement their work or to provide invaluable services which they are unable to render in the areas of child and family counseling, elderly services and foster parenting programs. These agency workers, however, receive wages that are substandard to their counterparts in the state agencies who perform the same or similar duties.

Furthermore, private non-profit social agencies are experiencing a dilemma in recruiting and retaining social service workers because they are unable to offer the qualified candidates competitive salaries. The agencies, therefore, may not be able to continue to deliver the same high level of services and assistance unless they are able to attract competent workers in social service positions with competitive salaries.

Your Committee received favorable support from the Department of Labor and Industrial Relations, Office of Community Services; the Department of Human Services; the Department of Health; and the Honolulu Community Action Program.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 180 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1450-90 Labor and Public Employment and Education on H.C.R. No. 250

The purpose of this House concurrent resolution is to request the Department of Education, in cooperation with the Department of Personnel Services and the Hawaii Government Employees' Association, to work with the Educational Assistants Association to update and reclassify the job descriptions for educational assistants.

Educational assistants provide invaluable services to teachers, students, and parents by assisting teachers with classroom organization and management. Although their duties and responsibilities have increased and become more demanding, their job descriptions have not been updated for the past twenty-five years. These educational assistants, therefore, are restricted to the amount of promotions that are available to them. A job description review is needed, therefore, to determine whether or not new job classes should be created for educational assistants.

Your Committees have amended this House concurrent resolution to allow the University of Hawaii and the Department of Health to assist in the process of updating and reclassifying the job descriptions of educational assistants.

Your Committees received favorable testimony on this measure from the Educational Assistants Association, the Department of Personnel Service, the Department of Education, the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, and a retired educational assistant.

Your Committees on Labor and Public Employment and Education concur with the intent and purpose of H.C.R. No. 250, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 250, H.D. 1.

Signed by all members of the Committees except Representatives Bunda, Hashimoto, Honda, Tajiri, Taniguchi, Yoshimura and O'Kieffe.

SCRep. 1451-90 Labor and Public Employment on H.C.R. No. 207

The purpose of this concurrent resolution is to request the Department of Personnel Services to conduct a study on the feasibility of providing innovative employee benefits which would enhance the State's ability to recruit and retain employees for certain difficult to fill job classes.

Your Committee received favorable testimony from the Department of Personnel Services and the Hawaii State Teachers Association.

Your Committee has amended this concurrent resolution by requesting that the Legislative Auditor conduct a study with the cooperation of the Department of Personnel Services and the Housing Finance and Development Corporation.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 207, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 207, H.D. 1.

Signed by all members of the Committee except Representatives Cachola, Hirono, Tajiri, Tom and Yoshimura.

SCRep. 1452-90 Labor and Public Employment; Human Services; and Health on H.C.R. No. 227

The purpose of this concurrent resolution is to request the Commission of Persons with Disabilities to study the provision of reasonable accommodations to disabled state employees.

Your Committees received testimony in support of this measure from the Department of Personnel Services, the Department of Health, the Department of Human Services, the State Planning Council of Developmental Disabilities, and the Commission on Persons with Disabilities.

Based on the recommendations made, your Committees have amended this concurrent resolution as follows:

- (1) Amended the title to read: "REQUESTING A STUDY ON THE PROVISION OF REASONABLE ACCOMMODATIONS TO STATE EMPLOYEES WITH DISABILITIES" because not everyone with a disability views himself or herself as being disabled or limited;
- (2) Included the Department of Accounting and General Services as one of the parties with whom the Commission will consult with in preparing the study;
- (3) Provided that the study also include recommendations for improving the flexibility of the personnel management process in responding to possible needs for job restructuring, readers, interpreters, schedule modification, and other accommodations; and
- (4) Made other technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committees on Labor and Public Employment, Human Services, and Health concur with the intent and purpose of H.C.R. No. 227, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 227, H.D. 1.

Signed by all members of the Committees except Representatives Cachola, Duldulao, Hirono, Peters, Tajiri, Tam, Tom, Yoshimura and Cavasso.

SCRep. 1453-90 Labor and Public Employment and Consumer Protection and Commerce on H.C.R. No. 80

The purpose of this House resolution is to request the Director of Labor and Industrial Relations with the assistance of the Insurance Commissioner, the Administrator of the Hawaii Public Employees Health Fund, and representatives of the insurance industry in the State to conduct a study investigating ways to protect employees who participate in employer-sponsored recreational activities.

Many residents in the State of Hawaii enjoy participating in employer or joint employer-employee sponsored recreational activities that include bed races, sports, team leagues, or walk-a-thons. In some incidences, these residents may not be entitled to receive compensation for injuries or accidents that may occur during the course of these activities. A study is needed, therefore, to explore available options for insuring participants who sustain injuries during these recreational activities.

Your Committees received favorable testimony from the Hawaii Public Employees Health Fund.

Your Committees on Labor and Public Employment and Consumer Protection and Commerce concur with the intent and purpose of H.C.R. No. 80, and recommend its adoption.

Signed by all members of the Committees except Representatives Andrews, Peters, Tajiri, Yoshimura and Cavasso.

SCRep. 1454-90 Economic Development and Hawaiian Affairs on H.C.R. No. 295

The purpose of this concurrent resolution is to request that the Legislative Auditor:

- 1) investigate the extent of and the circumstances surrounding the inability of homesteaders and homestead applicants seeking homesteads in Pu'u Opae, Kekaha, island of Kauai, Ho'olehua, Island of Moloka'i, and Pu'ukapu, Waimea, island of Hawaii to obtain sufficient irrigation water to support immediate homestead development in that area; and
- 2) determine the cause of the problems encountered by homesteaders, to recommend generic and specific administrative and legislative actions to resolve these problems and to prevent future similar problems from occurring; and
- 3) report its findings, conclusions and recommendations to the Legislature twenty days prior to the convening of the 1991 session of the Legislature.

Your Committee finds that Section 221 of the Hawaiian Homes Commission act of 1921 provides the Department of Hawaiian Home Lands with the authorization to use "government owned" water and that the homesteaders on these lands have encountered difficulties in obtaining a sufficient water supply for their needs.

The concurrent resolution has been amended to indicate that the general lease on the 14,500 acres of trust land will expire in 1993 and that the Department of Hawaiian Home Lands will withdraw it from general leasing at that time after completion of a management plan.

In addition it was amended to reflect that the following departments shall receive copies of the concurrent resolution: Department of Land and Natural Resources, Department of Hawaiian Home Lands, and the Legislative Auditor.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 295, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 295, H.D. 1.

Signed by all members of the Committee except Representatives Andrews, Hagino, Hashimoto, Honda, Isbell, Say and O'Kieffe.

SCRep. 1455-90 Economic Development and Hawaiian Affairs on H.C.R. No. 318

The purpose of this concurrent resolution is to request the Department of Hawaiian Home Lands (DHHL) to incorporate flood control plans in their new homestead development project in Waimanalo, to include plans and funding in the development to raise by jacks, existing homes in an area in Waimanalo which frequently suffer flooding, and to raise the ground level of the property on which these homes sit by fill and grading to alleviate future flooding.

Several homes in an area extending from the intersection of Ala Koa Street and Kalaniana'ole Highway to the home at 41-816 Kalaniana'ole Highway were originally built at an elevation lower than the surrounding homes and the Highway. As a result, during extended heavy rain, water accumulates in the yards of these houses, causing damage to property and inconvenience to the residents.

DHHL testified in support of this concurrent resolution. They noted that construction work on the new homestead development in Waimanalo, due to begin in May of 1990, will include new drainage outlets along Kalaniana'ole Highway and grading of the Waimanalo Quarry area. These actions should substantially reduce flooding in the area fronting Kalaniana'ole Highway.

Your Committee has amended this concurrent resolution to request that DHHL examine alternatives to prevent flooding of the identified area, determine an appropriate course of action, implement plans to correct the problems, and report back to the 1991 Legislature on actions taken.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 318, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 318, H.D. 1.

Signed by all members of the Committee except Representatives Andrews, Fukunaga, Hashimoto, Honda, Say and O'Kieffe.

SCRep. 1456-90 Economic Development and Hawaiian Affairs on H.C.R. No. 297

The purpose of this concurrent resolution is to request the Department of Hawaiian Home Lands (DHHL) to promote the creation of advisory committees composed of beneficiaries to assure community input in decisions affecting the availability of water resources to homesteaders. The concurrent resolution requests that these advisory committees assist DHHL in all phases of water development project planning and implementation.

Availability of water is a critical issue for Hawaiian homesteaders. It is important for the success of homestead establishments that those beneficiaries who will depend on the water supply have input in decisions determining what that supply will be.

Testimony in support of this concurrent resolution was submitted by DHHL and the State Council of Hawaiian Homestead Associations.

Your Committee believes that beneficiaries should have a say in all matters affecting the establishment of homesteads, not merely on water issues. Therefore, this concurrent resolution has been amended by deleting references calling only for beneficiary participation in water decisions and by requesting support of beneficiary involvement in all phases of homestead development. Technical, nonsubstantive amendments have also 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. 297, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 297, H.D. 1.

Signed by all members of the Committee except Representatives Andrews, Fukunaga, Hashimoto, Honda, Say and O'Kieffe.

SCRep. 1457-90 Economic Development and Hawaiian Affairs on H.C.R. No. 301

The purpose of this concurrent resolution is to urge the Congress and the President of the United States to enact a federal statute to allow the filing of lawsuits in federal courts against federal agencies or officials to resolve issues related to the enforcement of the Hawaiian Homes Commission Act of 1920, as amended (HHCA).

The Department of Hawaiian Home Lands (DHHL) submitted testimony in support of this concurrent resolution. Their testimony noted that many of the problems related to Hawaiian Home Lands occurred during the period when the federal government had a direct relationship to the HHCA program. The State of Hawaii assumed responsibility for the program in 1959. DHHL observed that while administrative and legislative means of settling disputes between the federal government and the State and DHHL over HHCA issues are preferable, litigation should be available as a last resort.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 301 and recommends its adoption.

Signed by all members of the Committee except Representatives Andrews, Fukunaga, Hashimoto, Honda, Say and O'Kieffe.

SCRep. 1458-90 Finance on H.C.R. No. 19

The purpose of this concurrent resolution is to request the Department of Education and the Department of Accounting and General Services to:

- (1) Examine the health and safety needs of the children at Hookena Elementary School; and
- (2) Review their current procedures in relation to budget preparation and a master plan for Hookena Elementary School.

Your Committee received testimony from the Department of Education and members of the Hookena School Community Council in favor of this concurrent resolution.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 19, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Duldulao.

SCRep. 1459-90 Consumer Protection and Commerce on H.C.R. No. 163

The purpose of this concurrent resolution is to urge the Honolulu Board of Realtors, the Hawaii Association of Realtors, and the Real Estate Commission to make arraignments to print and distribute a leasehold information brochure to distribute to each client shopping for real property.

Your Committee notes that Act 168, Session Laws Hawaii 1989, will be in effect on July 30, 1990. Act 168 requires that lease documents must be provided to the buyer of leasehold property. Further, buyer must be given a standardized glossary of commonly used lease terms in plain language and a standardized summary of major provisions of the lease in plain language.

Your Committee believes that the glossary and standardized summary along with the leasehold information brochure will give consumers the information they need to make a fully informed decision when purchasing leasehold property.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 163, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Amaral, Andrews, Hagino, Metcalf, Peters and Cavasso.

SCRep. 1460-90 Judiciary on H.C.R. No. 159

The purpose of this concurrent resolution is to request the State's Center for Alternative Dispute Resolution to convene and conduct a series of roundtable discussions for the purpose of making recommendations aimed at further developing the use of mediation, arbitration, and other alternative dispute resolution methods in Hawaii's courts.

Your Committee received testimony in support of this concurrent resolution from the State Judiciary and an attorney experienced in mediation, arbitration and alternative dispute resolution.

Your Committee finds worthy the purpose of this concurrent resolution and anticipates fruitful discussions on the development of proposals aimed at strengthening the various dispute resolution procedures in the State.

Your Committee on Judiciary is in accord with the intent and purpose of H.C.R. No. 159 and recommends its adoption.

Signed by all members of the Committee except Representatives Andrews, Hirono, Yoshimura and Cavasso.

SCRep. 1461-90 Judiciary on H.C.R. No. 279

The purpose of this concurrent resolution is to request that the Office of Information publish a directory of all state boards and commissions, with all pertinent information of the same, and disseminate that directory to each household statewide.

Testimony on this concurrent resolution from the Office of Information and Representative Tam.

Your Committee believes that a compilation of a directory of all state boards and commissions would greatly assist the members of the general public who may be trying to resolve problems or may be desiring to attend public hearings in

their areas of interest. Your Committee is aware, however, that there is presently no indexed source of reference to assist the public and, consequently, the members of the public may not succeed in resolving their problems or they may lose interest in participating in the democratic process of public hearings.

While your Committee expressly desires the creation of a directory for public use, your Committee is also aware that this concurrent resolution creates issues which are not resolved herein. Your Committee has amended this concurrent resolution, therefore, by making the following changes:

- (1) deleting the request to the Office of Information to publish a directory and all other references to the contents and mailing of the directory;
- (2) amending the concurrent resolution to request the Office of Information to conduct a study exploring the range of options making a directory available to the public and the accompanying projected cost for each option if implemented; and
- (3) requesting the Office of Information to submit its findings and recommendations to the Legislature at least twenty days prior to the convening of the Regular Session of 1991.

Your Committee realizes that current government directories are not easily accessible to the general public and reiterates its position supporting a publication of a directory for public use as a source information.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 279, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 279, H.D. 1.

Signed by all members of the Committee except Representatives Andrews, Hirono, Yoshimura and Cavasso.

SCRep. 1462-90 Judiciary on H.C.R. No. 215

The purpose of this concurrent resolution is to request that the respective rules of both houses of the State Legislature be amended to require documentation of legislative findings.

Your Committee received testimony in support of this concurrent resolution from many interested members of the community and from Savio Development Co., Inc.

Your Committee finds that requiring legislative findings to be supported or documented as a prerequisite to the filing of bills is a noteworthy goal.

Your Committee on Judiciary is in accord with the intent and purpose of H.C.R. No. 215 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Andrews, Hirono, Yoshimura and Cavasso.

SCRep. 1463-90 Judiciary on H.C.R. No. 170

The purpose of this House concurrent resolution is to request that the Legislative Auditor's Office survey the extent of administrative adjudication in the State and determine whether a separate hearings office would promote efficiency, fairness and impartiality in decision-making.

Testimony was received from the Department of the Attorney General, the Department of Commerce and Consumer Affairs, and the Committee on Welfare Concerns.

Your Committee finds that there has been an expansion of administrative contested case hearings and that each department conducts their own hearings differently.

Your Committee understands that for many citizens, an administrative hearing is their "day in court" when dealing with a state agency. It is your Committee's concern, therefore, that reassurance be conveyed to the public that the process is insulated from undue agency influence. Your Committee stresses that this concurrent resolution is not an attack on the integrity of hearings officers, rather, it is the concern that the use of agency employees as hearings officers may undermine the perception of fair and impartial decision-making.

Your Committee has amended this concurrent resolution by

- (1) directing the Legislative Auditor to conduct a review of the contested case procedures in the Hawaii Administrative Procedures Act, Hawaii Administrative Rules, and of agency procedures;
- (2) directing the Legislative Auditor to explore other measures that preserves the efficiency, impartiality, and fairness of the administrative process;
- (3) directing the Legislative Auditor to examine the estimated cost efficiency of measures explored; and
- (4) making technical, nonsubstantive changes.

Your Committee also directs the Legislative Auditor to interview a cross section of citizens who have been involved in agency hearings, attorneys who regularly appear at agency hearings, and hearings officers, and solicit their recommendations as to what improvements can be made to the existing processes.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 170, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 170, H.D. 1.

Signed by all members of the Committee except Representatives Andrews, Hirono, Yoshimura and Cavasso.

SCRep. 1464-90 Judiciary on H.C.R. No. 195

The purpose of this concurrent resolution is to request the Attorney General to convene a multi-agency, anti-drug task force to determine the legality and feasibility of screening in-coming and out-going first-class mail for marijuana and other illegal drugs.

Your Committee received testimony from the Department of the Attorney General stating its support of the concept of the concurrent resolution with reservations.

Your Committee understood those reservations as being concerned with state intervention upon matters within the federal jurisdiction. Consequently, your Committee has amended this concurrent resolution by:

- (1) deleting the request for the Attorney General to convene multi-agency task force, and all references to the same, to determine the legality and feasibility to conduct a screening;
- (2) amending the concurrent resolution to request the Attorney General to include in its consultation the United States Attorneys Office - District of Hawaii;
- (3) urging Hawaii's congressional delegation to assist the Attorney General on the federal, state, and local levels; and
- (4) making technical nonsubstantive changes.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 195, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 195, H.D. 1.

Signed by all members of the Committee except Representatives Andrews, Hirono, Yoshimura and Cavasso.

SCRep. 1465-90 Judiciary and Intergovernmental Relations and International Affairs on H.C.R. No. 172

The purpose of this concurrent resolution is to request that the United States sign and ratify international legislation relating to the recognition and enforcement of family maintenance decisions.

Your Committees received favorable testimony on this concurrent resolution from the Judiciary, the Hawaii State Commission on the Status of Women, the Corporation Counsel of the City and County of Honolulu, and the Corporation Counsel of the County of Hawaii.

Your Committees understands this concurrent resolution to request the United States government to sign and ratify two treaties concerning international enforcement of child support: the 1956 United Nations ECOSOC convention on the Recovery Abroad of Maintenance and the 1973 Hague Convention of XXIII - convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations.

Your Committees believes that ratification of these two treaties would greatly expedite the international pursuit of child and spousal support enforcement. The treaties' ratification would provide a viable avenue for those situations where the non-custodial parent has fled to a foreign country, in part, to avoid support obligations. Conversely, the custodial parent residing in a foreign country would also have a right of recourse against a non-paying parent who takes up residence in the United States.

Your Committees recognizes that there are a significant number of non-support cases involving absent parents who have opted to avoid their parental responsibilities by relocating to other countries. Similarly, there are parents from other countries who have relocated in Hawaii for the same purpose. Unfortunately, because of the difficulty in obtaining reciprocity with these countries at a state level, support claims between Hawaii and those affected countries are not satisfactorily addressed.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 172 and recommend its adoption.

Signed by all members of the Committee except Representatives Andrews, Cachola, Hirono, Okamura, Souki, Takamine, Yoshimura and Cavasso.

SCRep. 1466-90 Legislative Management and Judiciary on H.C.R. No. 293

The purpose of this concurrent resolution is to request the Department of the Attorney General to study the best manner to protect state-generated data, including the Hawaii Revised Statutes, the Session Laws of Hawaii, and other legislative data generated in electronic form.

In order to protect the interests of citizens of Hawaii and state government, your Committees recommend that the study should address the assurance of the timeliness, accuracy, and completeness of legislative information and the payment of a share of any profits generated by the commercialization of such information to the State and its citizens. Your Committees further recommend that in the course of the study, the Office of Information Practices and other interested parties should also be contacted to solicit their views and concerns on this issue.

Your Committees received testimony in support of this concurrent resolution from the State Attorney General, Common Cause of Hawaii, the MICHIE Company, and the Pacific Law Institute.

Your Committees on Legislative Management and Judiciary 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 Alcon, Amaral, Andrews, Cachola, Kihano, Okamura, Oshiro, Peters, Yoshimura and Cavasso.

SCRep. 1467-90 Legislative Management and Finance on H.C.R. No. 184

The purpose of this concurrent resolution is to request the Department of Accounting and General Services conduct a study to determine the feasibility of a State Capitol cafeteria.

Your Committees received testimony from the Department of Accounting and General Services, the Department of Human Services, the Hawaii Association of the Blind, and several individuals in support of the intent of this measure.

One individual expressed opposition to this measure because he felt it might be more feasible to use the space intended for a cafeteria facility for existing legislative offices.

The Department of Human Services, Vocational Rehabilitation and Services for the Blind Division, testified that it is responsible for providing legally blind persons vocational opportunities in the blind vending program in accordance with the Randolph-Sheppard Act and Section 102-14, Hawaii Revised Statutes.

As a result, the Department of Human Services requested that it be included as a participant in the proposed study to ensure that existing vending facilities in the State Capitol would not be jeopardized.

The Hawaii Association of the Blind also expressed concern because creating cafeteria facilities might result in closing the existing Capitol snack shop.

By requesting this concurrent resolution, your Committees do not intend to threaten the existence of the vending facilities. Your Committees recognize the beneficial service they provide to visitors and occupants of the State Capitol.

Your Committees have amended this measure as follows:

- (1) Provided that the Department of Accounting and General Services conduct this study in consultation with the Department of Human Services and soliciting input from the Hawaii Association of the Blind;
- (2) Expanded the scope of the study to include an examination of the feasibility of establishing cafeteria facilities, taking into account existing operations;
- (3) Expanded the scope of the study to examine the pros and cons of upgrading existing snack shop operations;
- (4) Expanded the scope of the study to examine the feasibility of establishing new opportunities for current and proposed uses for the State Capitol building;
- (5) Provided that representatives of the Department of Human Services and the Hawaii Association of the Blind receive certified copies of the measure; and
- (6) Made nonsubstantive changes for the purposes of style and clarity.

Your Committees on Legislative Management and Finance concur with the intent and purpose of H.C.R. No. 184, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 184, H.D. 1.

Signed by all members of the Committee except Representatives Alcon, Baker, Horita, M. Ige, Kihano, Okamura, Say, Souki, Tajiri, Yonamine and Liu.

SCRep. 1468-90 Legislative Management on H.C.R. No. 11

The purpose of this concurrent resolution is to request support by the Hawaii State Legislature of the development of a Silver Legislature, a model legislature for older citizens in Hawaii, by encouraging private funding assistance for the program and providing the use of State Capitol facilities.

Your Committee finds that the Silver Legislature provides an excellent opportunity for the older residents of Hawaii to develop a better understanding of the legislative process. It would also serve as a forum to discuss issues, thereby encouraging participation in the democratic process by this ever-growing segment of our population.

Testimony in support of this concurrent resolution was received from the Executive Office on Aging, the Legislative Education Group, the Hawaii Federation of the National Association of Retired Federal Employees, and Common Cause of Hawaii.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 11 and recommends its adoption.

Signed by all members of the Committee except Representatives Alcon, Kihano and Okamura.

SCRep. 1469-90 Legislative Management on H.C.R. No. 168

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a study to determine the reasons for the disparity in conditions of the State's public schools despite similar allotments made for repair and maintenance in past years.

Testimony in support of this measure was submitted by the Department of Education and the Department of Accounting and General Services.

Your Committee has amended this measure to provide that both the Department of Education and the Department of Accounting and General Services be consulted in preparing this study.

In addition, the scope of the proposed study has been broadened to include recommendations of ways to address disparate conditions in the schools and appropriate means of resolving these problems, including but not limited to proposed legislation and recommendations for permanent funding sources.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 168, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 168, H.D. 2.

Signed by all members of the Committee except Representatives Alcon, Kihano and Okamura.

SCRep. 1470-90 Legislative Management on H.C.R. No. 292

The purpose of this concurrent resolution is to request the Legislative Access Committee of the State House of Representatives and the State Senate to evaluate the 1990 Final Action Plan and improve upon its projects and activities, where appropriate, by soliciting public comments at interim hearings for purposes of developing a 1991 version of the Final Action Plan.

Your Committee finds that the projects and activities set in the Final Action Plan are just a first attempt toward making the legislative process and information more accessible to the public. Your Committee recommends that in order to demonstrate the Legislature's ongoing effort and commitment to public access, interim hearings should be held by the Legislative Access Committee on Oahu and the neighbor islands to gain valuable public input into improving and developing a more comprehensive Action Plan for the 1991 session.

Testifying favoring the adoption of this concurrent resolution were the State Office of Information, the Hawaii State Public Library System, Kokua Council, and Common Cause of Hawaii.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 292 and recommends its adoption.

Signed by all members of the Committee except Representatives Alcon, Kihano and Okamura.

SCRep. 1471-90 Legislative Management on H.C.R. No. 202

The purpose of this concurrent resolution is to request that the Legislative Auditor submit a report recommending methods to strengthen the Legislature's capacity to determine the appropriateness and productivity of state programs.

Your Committee received testimony in support of this measure from the Legislative Auditor.

Your Committee finds that there has been a proliferation of policies and programs mandated by statute that cumulatively result in many unattained objectives in view of the limited resources available to pursue those policies and programs.

Your Committee further finds that the Legislature's capacity to make rational decisions in authorizing new public programs and establishing program levels for existing programs would be strengthened if it had an effective framework and approach to analyze the appropriateness and productivity of the programs.

Your Committee finds that a study by the Legislative Auditor, including an analysis of analytical elements and other approaches and systems, would strengthen the Legislature's capacity to evaluate state programs.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 202 and recommends its adoption.

Signed by all members of the Committee except Representatives Alcon, Kihano and Okamura.

SCRep. 1472-90 Ocean and Marine Resources on H.C.R. No. 308

The purpose of this concurrent resolution is to request that the Department of Land and Natural Resources formulate a comprehensive management plan and a forthright statement of purpose for the use and management of Hanauma Bay.

Although the intent of the State is to protect and preserve the unique qualities of the Bay as an underwater park, there currently exists the dilemma of balancing the objective of preservation with the factor of recreational use.

Constant and unfettered use of the area has resulted in problems such as increased traffic congestion, increased litter generation, increased siltation in the bay, and water and reef quality degradation.

Your Committee heard testimony from Hawaii's Thousand Friends and Life of the Land in support of this concurrent resolution. However, since the City Department of Parks and Recreation is already in the process of preparing a general plan for preservation and management of Hanauma Bay, the Department of Land and Natural Resources is in opposition to this resolution.

Your Committee finds that although Hanauma Bay has been a state park for thirteen years, there is no comprehensive plan with management guidelines to establish a rational solution to the ongoing problems. In July 1990, the City will be implementing an eight point plan to address the current problematic situation.

However, your Committee, upon further consideration, feels that a closer coordinated working relationship should be developed between the City and State and that a baseline study must be conducted in order to fully assess the problems at Hanauma Bay.

Your Committee, therefore, has amended this concurrent resolution in the title and "Be It Resolved" clause to include the Department of Parks and Recreation of the City and County of Honolulu in developing a comprehensive management plan and baseline study.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 308, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 308, H.D. 1.

Signed by all members of the Committee.

SCRep. 1473-90 Water and Land Use and Intergovernmental Relations and International Affairs on H.R. No. 228

The purpose of this resolution is to return the Federal-controlled lands of Makua Valley to the people of Hawaii. This measure calls for:

- (1) An assessment of the feasibility of establishing a State park in Makua Valley on State lands currently leased to the U.S. Army;
- (2) The Governor to notify the Federal government of potential non-renewal of lease or earlier termination than the lease term expiring on August 16, 2029, because of park development consideration; and
- (3) The Governor to request that the U.S. Army prepare a master plan for the restoration of the Valley to its natural condition.

Your Committees find that the Legislature and the City Council of the City and County of Honolulu have repeatedly sent signals to the Federal government for the return of Makua Valley to the State. In order to obtain the support of the State administration in this regard, your Committees have amended this Resolution by inserting a new BE IT FURTHER RESOLVED clause that requests for the State administration to clarify its position on this issue.

Your Committees have also made technical amendments to this measure to conform it to recommended drafting style.

Your Committees on Water and Land Use and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 228, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 228, H.D. 1.

Signed by all members of the Committees except Representatives Bybee, Hirayama, Hirono, Horita, Okamura, Say, Souki, Stegmaier, Tajiri and Yonamine.

SCRep. 1474-90 Education on H.R. No. 134

The purpose of this resolution is to request that the Department of Education (DOE) consider and develop simple, school-based procedures to allow all students to attend the public school of their choice.

Testimony supporting the intent of this measure was submitted by the DOE, the Hawaii State Teachers Association, the League of Women Voters, and other interested citizens.

Your Committee has amended this measure by:

- (1) Amending the title to request that the DOE promote procedures to encourage open enrollment;
- (2) Inserting language to express that school/community-based management should result in curricular flexibility and diversification among the schools;
- (3) Inserting language to note that open enrollment is related to District Exceptions and a DOE task force is currently recommending amendments to the Hawaii Administrative Rules with regard to the definition and procedural guidelines of District Exceptions;
- (4) Amending language that the DOE consider and promote procedures to facilitate open enrollment in the public schools; and
- (5) Making technical, nonsubstantive revisions for purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.R. No. 134, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 134, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Hirayama, Honda and Tom.

SCRep. 1475-90 Legislative Management and Judiciary on H.R. No. 305

The purpose of this resolution is to request the Department of the Attorney General to study the best manner to protect state-generated data, including the Hawaii Revised Statutes, the Session Laws of Hawaii, and other legislative data generated in electronic form.

In order to protect the interests of citizens of Hawaii and state government, your Committees recommend that the study should address the assurance of the timeliness, accuracy, and completeness of legislative information and the payment of a share of any profits generated by the commercialization of such information to the State and its citizens. Your Committees further recommend that in the course of the study, the Office of Information Practices and other interested parties should also be contacted to solicit their views and concerns on this issue.

Your Committees received testimony in support of this resolution from the State Attorney General, Common Cause of Hawaii, the MICHIE Company, and the Pacific Law Institute.

Your Committees on Legislative Management and Judiciary concur with the intent and purpose of H.R. No. 305 and recommend its adoption.

Signed by all members of the Committees except Representatives Alcon, Amaral, Andrews, Cachola, Kihano, Okamura, Oshiro, Peters, Yoshimura and Cavasso.

SCRep. 1476-90 Legislative Management and Finance on H.R. No. 197

The purpose of this resolution is to request the Department of Accounting and General Services conduct a study to determine the feasibility of a State Capitol cafeteria.

Your Committees received testimony from the Department of Accounting and General Services, the Department of Human Services, the Hawaii Association of the Blind, and several individuals in support of the intent of this measure.

One individual expressed opposition to this measure because he felt it might be more feasible to use the space intended for a cafeteria facility for existing legislative offices.

The Department of Human Services, Vocational Rehabilitation and Services for the Blind Division, testified that it is responsible for providing legally blind persons vocational opportunities in the blind vending program in accordance with the Randolph-Sheppard Act and Section 102-14, Hawaii Revised Statutes.

As a result, the Department of Human Services requested that it be included as a participant in the proposed study to ensure that existing vending facilities in the State Capitol would not be jeopardized.

The Hawaii Association of the Blind also expressed concern because creating cafeteria facilities might result in closing the existing Capitol snack shop.

By requesting this resolution, your Committees do not intend to threaten the existence of the vending facilities. Your Committees recognize the beneficial service they provide to visitors and occupants of the State Capitol.

Your Committees have amended this measure as follows:

- (1) Provided that the Department of Accounting and General Services conduct this study in consultation with the Department of Human Services and soliciting input from the Hawaii Association of the Blind;
- (2) Expanded the scope of the study to include an examination of the feasibility of establishing cafeteria facilities, taking into account existing operations;

- (3) Expanded the scope of the study to examine the pros and cons of upgrading existing snack shop operations;
- (4) Expanded the scope of the study to examine the feasibility of establishing new opportunities for current and proposed uses for the State Capitol building;
- (5) Provided that representatives of the Department of Human Services and the Hawaii Association of the Blind receive certified copies of the measure; and
- (6) Made nonsubstantive changes for the purposes of style and clarity.

Your Committees on Legislative Management and Finance 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 Alcon, Baker, Kihano, Horita, M. Ige, Okamura, Say, Souki, Tajiri, Yonamine and Liu.

SCRep. 1477-90 Legislative Management on H.R. No. 304

The purpose of this resolution is to request the Legislative Access Committee of the State House of Representatives and the State Senate to evaluate the 1990 Final Action Plan and improve upon its projects and activities, where appropriate, by soliciting public comments at interim hearings for purposes of developing a 1991 version of the Final Action Plan.

Your Committee finds that the projects and activities set in the Final Action Plan are just a first attempt toward making the legislative process and information more accessible to the public. Your Committee recommends that in order to demonstrate the Legislature's ongoing effort and commitment to public access, interim hearings should be held by the Legislative Access Committee on Oahu and the neighbor islands to gain valuable public input into improving and developing a more comprehensive Action Plan for the 1991 session.

Testifying favoring the adoption of this resolution were the State Office of Information, the Hawaii State Public Library System, Kokua Council, and Common Cause of Hawaii.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 304 and recommends its adoption.

Signed by all members of the Committee except Representatives Alcon, Kihano and Okamura.

SCRep. 1478-90 Consumer Protection and Commerce on H.R. No. 335

The purpose of this resolution is to request the Director of Taxation to formulate an equitable tax policy for financial institutions with consultation from representatives from the Tax Review Commission, the Tax Foundation of Hawaii, the Hawaii League of Savings Institutions, and the Hawaii Bankers Association.

The Tax Review Commission (Commission), the Hawaii Bankers Association (HBA), the Hawaii League of Savings Institutions (HLSI), and the Tax Foundation of Hawaii (Foundation) testified in favor of this measure. All parties agreed that the tax laws affecting the financial institution are due for reform.

The HBA and HLSI requested that the reference to the Senate Bill should be corrected to reflect the most recent version of the bill.

The Department testified that they had no opposition to this measure. The Department stated that financial institutions have been treated differently due to requirements that were once imposed by federal law. The Department stated that to help the State deal effectively with the changes in the banking industry and achieve an equitable tax policy, it is necessary to streamline or update the franchise tax and revise the general excise tax laws. The Department noted that the Tax Review Commission dissolves on the adjournment of this Legislature sine die, thus the reference to them should be deleted. The Department requested that the Financial Loan Services Associations be included as one of the representatives.

The Foundation suggested that either the staff or chairperson of the Commission serve in consultation with the Department on this issue since this issue was the recommendation of the Commission. The Commission stated it was ready to participate with the Department in the discussion even though the Commission would be dissolved.

Your Committee believes that the tax laws affecting the financial institutions are in need of modernization, especially in view of the repeal of federal laws in this area. Therefore, your Committee has amended this resolution in the following manner:

- (1) Included the representative of the Tax Review Commission since the Commission indicated that it was willing to participate in the discussion even though the commission itself is dissolved;
- (2) Changed the reference of the Senate Bill number to reflect the most current draft of the bill;
- (3) Included the representative of the Financial Services Loan Association to participate in the discussion since financial services organizations will also be affected.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 335, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 335, H.D. 1.

Signed by all members of the Committee except Representatives Andrews, Peters and Shon.

SCRep. 1479-90 Intergovernmental Relations and International Affairs and Agriculture on H.R. No. 338

The purpose of this resolution is to request Hawaii's congressional delegation to introduce and help enact legislation that will:

- (1) Eradicate the brown tree snake in the territory of Guam;
- (2) Prevent the spread of this reptile to the other Pacific Island nations, the United States territories, and the State of Hawaii; and
- (3) Enable the territory of Guam and the various federal agencies involved (the Departments of Agriculture, Defense, and Interior) to implement or intensify their efforts to control or prevent the spread of this pest from Guam to other regions.

The testimony indicated that:

- (1) The large population of brown tree snakes in Guam increases the chances for this snake to "hitch-hike" its way to the non-infested regions through cargoes or on air and sea vessels;
- (2) The potential arrival and establishment of this snake in Hawaii pose the biggest ecological, economic, and environmental threat in the State;
- (3) Millions of dollars in damages (excluding ecological damages such as the decimation of the bird population) are caused annually by this snake in Guam. Thus far, Guam has failed to eradicate this snake;
- (4) A comprehensive community education and awareness program as well as an effective contingency plan to stop the snake's arrival in Hawaii are needed;
- (5) Federal funds are needed to conduct research and to implement control programs (two million dollars over a five-year period); and
- (6) In Hawaii:
 - (a) The United States Custom inspectors, working with the United States Department of Transportation, and the military custom inspectors (trained by U.S. Customs) check all cargoes and passengers arriving from Guam. Plant or animal violations are referred to the United States Department of Agriculture. The State Department of Agriculture (DOA) is responsible for the capture of any snake at the port-of-entry;
 - (b) The State has a brown tree snake interagency contingency planning group coordinated by the DOA (this group, including the military, is currently focusing its plans on Guam); and
 - (c) The Department of Land and Natural Resources has established SWAT teams (located on all major islands) responsible for the eradication and capture of any snake in the wild.

Your Committees, upon further consideration, have made the following amendments:

- (1) To correct a technical error on the 10th WHEREAS clause on page 2 of this resolution, as received; and
- (2) To include the Department of Transportation and the Department of Treasury (responsible for custom inspection through its U.S. Custom Service) as participating agencies in the first BE IT FURTHER RESOLVED clause on page 4, paragraph (3); and as one of the departments to receive a certified copy in the last BE IT FURTHER RESOLVED clause.

Your Committees on Intergovernmental Relations and International Affairs and Agriculture concur with the intent and purpose of H.R. No. 338, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 338, H.D. 1.

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

SCRep. 1480-90 Intergovernmental Relations and International Affairs and Housing on H.R. No. 66 (Majority)

The purpose of this resolution is to request the counties to investigate the relationship between real property tax rates and the availability of land for housing. Specifically, this resolution seeks to investigate the possibility of raising property taxes on unimproved land to encourage the property owners to develop the land for housing.

Your Committees find that Pennsylvania has apparently been successful in making more land available for housing by raising property taxes on unimproved land. Your Committees also recognize the need to examine innovative approaches to solving Hawaii's housing problem.

However, your Committees understand that land may remain undeveloped for various reasons, such as zoning, difficulty in finding a suitable developer, or long-range plans for the land. Your Committees are concerned that this resolution, as currently drafted, emphasizes raising tax rates on unimproved lands which would penalize these landowners. Your Committees find that it would be more prudent to shift the focus of this resolution, as reflected in the title, to investigate the relationship between real property tax rates and the availability of land for housing.

Your Committees have amended the title of this resolution to more accurately reflect the intent of your Committees.

Your Committees on Intergovernmental Relations and International Affairs and Housing concur with the intent and purpose of H.R. No. 66, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 66, H.D. 1.

Signed by all members of the Committees.
(Representatives Peters and Anderson did not concur.)

SCRep. 1481-90 Intergovernmental Relations and International Affairs and Education on H.R. No. 254

Your Committees find that the Armed Services personnel stationed in Hawaii are important and active members of our community, and that they contribute in many ways to help enrich life in Hawaii. In particular, the Armed Services Personnel stationed in Hawaii deserve to be recognized and commended for their active involvement in the State's efforts to improve and strengthen the public school system.

Your Committees concur that military personnel stationed here are exemplary participants in and supporters of the State's public education system, and that the interaction between the military and educational communities has grown into a productive, strong, and vibrant partnership. For example, they serve as tutors, lecturers, sports coaches, fund raisers, and school board members. In addition to their willingness to participate in their children's education, their broad experiences, dedication to excellence, and commitment to their families and children make them especially valuable resources.

Your Committees have amended this resolution to include the State Superintendent of Education, Hawaii's Congressional Delegation, the U.S. Secretary of Education, the U.S. Secretary of Defense, and the U.S. Secretaries of the Army, Navy, and Air Force as recipients of certified copies of this resolution.

Testimony in support of this measure was received from the Lieutenant Governor, the Superintendent of Education, and members of the Education Task Force of the Military Affairs Council of the Chamber of Commerce.

Your Committees on Intergovernmental Relations and International Affairs and Education concur with the intent and purpose of H.R. No. 254, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 254, H.D. 1.

Signed by all members of the Committees except Representatives Hashimoto, Honda, Yonamine, Yoshimura and Hemmings.

SCRep. 1482-90 Intergovernmental Relations and International Affairs and Higher Education and the Arts on H.R. No. 238

The purpose of this resolution is to mandate a study to determine the feasibility of establishing an international service program at the University of Hawaii, which would educate and train individuals from Pacific Rim nations who are aspiring for diplomatic careers in the foreign service, and who have the intent of assisting their countries' expertise in international relations.

Your Committees foresee that because of rapid political, economic, and social integration among the Pacific Basin nations, there will be an increased need for qualified individuals who are capable of understanding and managing complex foreign policy issues.

Your Committees find that Hawaii's unique geopolitical situation, multi-cultural heritage, and multi-ethnic population attracts considerable numbers of people from Pacific nations to come to the University of Hawaii to pursue their education.

However, your Committees find that while the University of Hawaii has several fine programs in existence, the university currently lacks an international service program that addresses specifically the training of individuals interested in careers in the diplomatic corps, or as international and foreign policy experts. Your Committees believe that such a program would assist individuals from Pacific nations to define their countries' international role in Asia and the Pacific.

Your Committees concur that this program would be beneficial for several reasons. It would provide for the training of individuals for careers in foreign relations and international affairs, enhancing goodwill between Hawaii and her Pacific neighbors, through improved diplomatic relations. Lastly, this program would enhance Hawaii's emerging leadership role as an international center for commercial and information exchange in the Pacific.

Your Committees received testimony in support of this resolution from the University of Hawaii School of Hawaiian, Asian, and Pacific Studies.

Your Committees on Intergovernmental Relations and International Affairs and Higher Education and the Arts concur with the intent and purpose of H.R. No. 238 and recommend its adoption.

Signed by all members of the Committees except Representatives Hashimoto, Souki, Yonamine and Hemmings.

SCRep. 1483-90 Intergovernmental Relations and International Affairs and Higher Education and the Arts on H.R. No. 239

The intent of this resolution is to convene a task force to determine the feasibility of establishing an international research park that is affiliated with the University of Hawaii.

Your Committees find that with the rise of Asian nations to prominence in the global economy, the importance of world trade has taken on an urgent significance to Hawaii's economy and its quest to become a center for international affairs.

Your Committees foresee that Hawaii has the opportunity to emerge as an international leader in the Pacific region. However, the increasing importance of the U.S. relationship with Pacific Rim countries has meant increased competition with other states for prominence in international relations.

Your Committees find that the State of Hawaii has many comparative advantages to other state including its location, its multi-ethnic population, its educational and community organizations, its airport, its trade routes and over-sea flight routes, and its first-class resort facilities.

However, your Committees also discern that Hawaii needs to upgrade its capabilities, in order to continue to attract foreign trade and commerce to the islands. Your Committee agrees that the current planning process is too uncoordinated and decentralized to effectively plan Hawaii's economic future and a new process is needed.

Your Committees concur that the creation of an international research park would expedite the research, coordination and discussion of such important international and economic issues as high technology research, foreign investment, foreign trade, and international finance.

The benefits of this proposal is that it would send a clear message to Hawaii's Pacific Rim neighbors. It would indicate the seriousness by which this state is addressing internationalism today. Furthermore, this research center would not only provide a more expedient means by which international issues would be addressed by the state, but it would also act as an international forum of intellectual dialogue and provocative discussion. It would enhance Hawaii's position as truly being the international gateway of the Pacific.

Your Committees received testimony in support from the University of Hawaii's School of Hawaiian, Asian, and Pacific Studies.

Your Committees on Intergovernmental Relations and International Affairs and Higher Education and the Arts concur with the intent and purpose of H.R. No. 239 and recommend its adoption.

Signed by all members of the Committees except Representatives Hashimoto, Yonamine and Hemmings.

SCRep. 1484-90 Intergovernmental Relations and International Affairs on H.R. No. 206

The purpose of this resolution is to request Hawaii's congressional delegation to take all appropriate steps to ensure that the United States Department of the Navy exercise its authority to enable CSC-Pan Am to provide job security for the present work force at the Pacific Missile Range Facility at Barking Sands.

Your Committee finds that the Pacific Missile Range Facility is the largest single private employer on Kauai, currently employing 450 workers for security service, fire protection, air field and radar support, building maintenance and trash collection for the base facility.

Testimony indicated the current government contractor, Computer Sciences Corporation (CSC)-Pan Am, eliminated 29 full-time positions in April, 1989, an action which was accomplished amicably through a generous voluntary termination program agreed to by Local 1260 (the International Brotherhood of Electrical Workers, IBEW). CSC-Pan Am has recently indicated its intention to eliminate 35 positions and reduce the work hours of an additional 165 employees. However, in this most recent attempt, the contractor has stated an unwillingness to offer the same voluntary termination package, and negotiations between Local 1260 and CSC-Pan Am have so far been unsuccessful in resolving this problem.

CSC-Pan Am contends that the U.S. Department of the Navy has the authority to award additional work to the facility under a process called IDIQ (Indefinite Delivery, Indefinite Quantity), which, if granted, would enable the contractor to retain the present work force on a full-time basis.

Because of the importance of the PMRF to Kauai's economy, and because of the concern over the loss of jobs, it is crucial that management, labor, and government officials work together to resolve this unstable situation. This resolution requests Hawaii's Congressional Delegation to obtain the assistance of the Federal Government in providing job security for the present work force at the Pacific Missile Range Facility.

Your Committee received testimony in support of this measure from the International Brotherhood of Electrical Workers and the Kauai County Council.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 206 and recommends its adoption.

Signed by all members of the Committee except Representative Yonamine.

SCRep. 1485-90 Intergovernmental Relations and International Affairs on H.R. No. 70

The purpose of this resolution is to express the Legislature's intent to assist in the provision of financial resources to the City and County of Honolulu if it develops a uniform policy which treats all victims of all landslides in a fair, equitable, and reasonable fashion.

Your Committee finds that landslide victims not only suffer significant damage to their property, but in some cases, the damage endangers the health, safety, and well-being of affected residents. Your Committee recognizes the urgent need to assist landslide victims.

However, testimony indicated that the City and County of Honolulu does not, nor do they intend to, get involved in all landslides. For example, in the case of Kuliouou Valley, the problem is being resolved between the developer and the affected homeowners. In addition, it is against the policy of the City to use public funds for private purpose, and therefore the City does not undertake any repairs to private property.

The City has, however, spent over \$7 million dollars to date in consultant fees, land acquisition costs, construction costs, and cooperative studies. Their efforts consist primarily of implementing temporary, emergency measures and identifying, for possible future implementation, long-term, permanent measures to stabilize land movement.

It is your Committee's understanding that many more expenses will be incurred by the City before the problem is resolved, and it is your Committee's intent that the State assist the City in its efforts.

Your Committee has amended the title of the resolution and the Be It Resolved clause in accordance with testimony presented by the City and County of Honolulu Department of Public Works. Your Committee has also amended this resolution to have the City and County of Honolulu consider giving landslide victims who must be relocated priority in obtaining affordable housing.

Your Committee received testimony in support of this measure from the Department of Public Works of the City and County of Honolulu, the Aina Haina Community Association, and the Residents of Aina Haina Sliding Hillside.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 70, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 70, H.D. 1.

Signed by all members of the Committee.

SCRep. 1486-90 Intergovernmental Relations and International Affairs on H.R. No. 350

The purpose of this resolution is to urge the Congress of the United States to enact legislation to provide for the return of lands originally condemned by the Federal government for public uses and which are no longer used for such public uses to the original landowners on equitable terms, and compensation.

Your Committee understands that the Federal government has the power under the Constitution of the United States to condemn and seize private property, if it can justify that such land will be used for a specific public benefit. This right, known as the power of eminent domain, conflicts with another Constitutional freedom, the right of the individual to purchase and legally own private property free from government oppression.

In instances of eminent domain, the rights of the government subvert the rights of the individual, if the government can show good cause that the benefits to the public welfare would far outweigh the benefits if the land were to remain in the hands of private landowners.

However, your Committee notes examples where properties condemned for public use are no longer utilized by the Federal government for the reasons which they were originally condemned. Your Committee agrees that such properties should be returned to the original owners, provided that the process is fair and equitable to all parties involved.

It is your Committee's intent that this resolution would urge Congress to propose legislation that would strengthen the legal checks and balances which protect citizens from government oppression. It would also provide a means of compensation to landowners, seeking to reacquire property lost to government acquisition.

Your Committee received favorable testimony from Kamehameha Schools/Bishop Estate.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 350 and recommends its adoption.

Signed by all members of the Committee except Representative Yonamine.

SCRep. 1487-90 Intergovernmental Relations and International Affairs on H.R. No. 255

The purpose of this resolution is to request the Office of State Planning to establish a task force to investigate and propose methods of streamlining the land use development permit process at both the state and county levels and to review

existing streamlining efforts. Specifically, this resolution requests the task force to consider establishing concurrent processing of permit applications and providing for joint agency review of permit applications.

Your Committee finds that a great deal of concern exists over the multitude of permits and apparent overlap and duplication of regulatory measures. Testimony indicated that the entire permit process often takes between five and six years to complete, and that a prudent effort to streamline the land use approvals process is particularly needed to effectively respond to the current shortage of affordable housing.

Your Committee has amended this resolution to specify that the task force shall address streamlining within both the administrative and discretionary processes, and to reflect your Committee's intent that the task force give due consideration to the importance of preserving public input in the land use permit process.

Testimony was received in support of this measure from the Office of State Planning and the Land Use Research Foundation.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 255, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 255, H.D. 1.

Signed by all members of the Committee except Representative Yonamine.

SCRep. 1488-90 Intergovernmental Relations and International Affairs on H.R. No. 113

The purpose of this resolution is to request the City and County of Honolulu Director of Transportation Services, in conjunction with the Mayor and Council of the City and County of Honolulu, to evaluate the conditions existing on Waipahu Street, with the objective of formulating a five-year development plan for Waipahu Street consistent with growth forecasts in surrounding areas.

Your Committee finds that as Waipahu has grown, Waipahu Street has become an increasingly important artery to the Waipahu community. However, this street was not built to handle the large number of cars it currently services, nor has it been upgraded to accommodate this increased use. Further, testimony indicated that the completion of the Waipahu Cultural Garden Park and the growth of the Waipahu community will contribute to even heavier usage of this street.

Your Committee therefore concurs that a plan is needed to upgrade Waipahu Street to accommodate current pedestrian and automobile traffic, as well as to address the increased use that is projected for this street.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 113 and recommends its adoption.

Signed by all members of the Committee except Representative Yonamine.

SCRep. 1489-90 Intergovernmental Relations and International Affairs on H.R. No. 110

The purpose of this resolution is to urge the President of the United States and the State Department to take all steps possible to secure the early release of all persons being held hostage by terrorists.

Although no testimony was presented, your Committee believes that the message contained in this resolution is compelling and urgent, and merits passage.

Your Committee recognizes that the United States Government is fully aware of its responsibilities to secure the early release of hostages held by terrorists, and that it currently has ongoing actions which are intended to carry them out. It is your Committee's intent that the resolution express this body's support of these efforts of the U.S. Government toward this end.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 110 and recommends its adoption.

Signed by all members of the Committee except Representative Yonamine.

SCRep. 1490-90 Intergovernmental Relations and International Affairs on H.R. No. 112

The purpose of this resolution is to request the Acting Chief of the Honolulu Police Department in conjunction with the Mayor and the Council of the City and County of Honolulu to evaluate the conditions existing in Waipahu and surrounding areas to determine the feasibility of establishing a police substation there. This resolution also requests that they consider expanding the existing police academy facilities to meet the space requirement of a Waipahu police substation.

Your Committee finds that residents of Waipahu are faced with high levels of crime in their community, including youth gang and drug-related activities. Not only does this exposure to crime disturb their peace of mind, it also jeopardizes the health and safety of residents and visitors alike.

Testimony from the Honolulu Police Department indicated that the establishment of a police substation in Waipahu would not necessarily reduce response time. However, other testifiers indicated that the visibility of a police substation and the officers that would be stationed there may be a deterrent to crime.

Your Committee has amended this resolution to express its intent that the Acting Chief of the Honolulu Police Department, the Mayor and the Council of the City and County of Honolulu, while conducting its study, include input from community agencies including the Waipahu Neighborhood Board, the Waipahu "Can Do" youth gang task force, the Waipahu Business Association, and the Waipahu YMCA.

Your Committee received testimony in support of this resolution from the Waipahu Neighborhood Board and residents of Waipahu.

Your Committee on Intergovernmental Relations and International Affairs 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 except Representative Yonamine.

SCRep. 1491-90 Labor and Public Employment; Human Services; and Health on H.R. No. 241

The purpose of this resolution is to request the Commission of Persons with Disabilities to study the provision of reasonable accommodations to disabled state employees.

Your Committees received testimony in support of this measure from the Department of Personnel Services, the Department of Health, the Department of Human Services, the State Planning Council of Developmental Disabilities, and the Commission on Persons with Disabilities.

Based on the recommendations made, your Committees have amended this resolution as follows:

- (1) Amended the title to read: "REQUESTING A STUDY ON THE PROVISION OF REASONABLE ACCOMMODATIONS TO STATE EMPLOYEES WITH DISABILITIES" because not everyone with a disability views himself or herself as being disabled or limited;
- (2) Included the Department of Accounting and General Services as one of the parties with whom the Commission will consult with in preparing the study;
- (3) Provided that the study also include recommendations for improving the flexibility of the personnel management process in responding to possible needs for job restructuring, readers, interpreters, schedule modification, and other accommodations; and
- (4) Made other technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committees on Labor and Public Employment, Human Services, and Health concur with the intent and purpose of H.R. No. 241, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 241, H.D. 1.

Signed by all members of the Committees except Representatives Cachola, Duldulao, Hayes, Hirono, Peters, Tajiri, Tam, Tom, Yoshimura, Cavasso and Liu.

SCRep. 1492-90 Labor and Public Employment and Consumer Protection and Commerce on H.R. No. 94

The purpose of this House resolution is to request the Director of Labor and Industrial Relations with the assistance of the Insurance Commissioner, the Administrator of the Hawaii Public Employees Health Fund, and representatives of the insurance industry in the State to conduct a study investigating ways to protect employees who participate in employer-sponsored recreational activities.

Many residents in the State of Hawaii enjoy participating in employer or joint employer-employee sponsored recreational activities that include bed races, sports, team leagues, or walk-a-thons. In some incidences, these residents may not be entitled to receive compensation for injuries or accidents that may occur during the course of these activities. A study is needed, therefore, to explore available options for insuring participants who sustain injuries during these recreational activities.

Your Committees received favorable testimony from the Hawaii Public Employees Health Fund.

Your Committees on Labor and Public Employment and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 94 and recommend its adoption.

Signed by all members of the Committees except Representatives Andrews, Peters, Tajiri, Yoshimura and Cavasso.

SCRep. 1493-90 Labor and Public Employment and Education on H.R. No. 262

The purpose of this House resolution is to request the Department of Education, in cooperation with the Department of Personnel Services and the Hawaii Government Employees' Association, to work with the Educational Assistants Association to update and reclassify the job descriptions for educational assistants.

Educational assistants provide invaluable services to teachers, students, and parents by assisting teachers with classroom organization and management. Although their duties and responsibilities have increased and become more

demanding, their job descriptions have not been updated for the past twenty-five years. These educational assistants, therefore, are restricted to the amount of promotions that are available to them. A job description review is needed, therefore, to determine whether or not new job classes should be created for educational assistants.

Your Committees have amended this House resolution to allow the University of Hawaii and the Department of Health to assist in the process of updating and reclassifying the job descriptions of educational assistants.

Your Committees received favorable testimony on this measure from the Educational Assistants Association, the Department of Personnel Service, the Department of Education, the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, and a retired educational assistant.

Your Committees on Labor and Public Employment and Education concur with the intent and purpose of H.R. No. 262, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 262, H.D. 1.

Signed by all members of the Committees except Representatives Bunda, Hashimoto, Honda, Tajiri, Taniguchi, Tom and O'Kieffe.

SCRep. 1494-90 Labor and Public Employment on H.R. No. 221

The purpose of this resolution is to request the Department of Personnel Services to conduct a study on the feasibility of providing innovative employee benefits that would enhance the State's ability to recruit and retain employees for certain difficult to fill job classes.

Your Committee received favorable testimony from the Department of Personnel Services and the Hawaii State Teachers Association.

Your Committee has amended this resolution by requesting that the Legislative Auditor conduct a study with the cooperation of the Department of Personnel Services and the Housing Finance and Development Corporation.

Your Committee on Labor and Public Employment 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 except Representatives Cachola, Hirono, Tajiri, Tom and Yoshimura.

SCRep. 1495-90 Labor and Public Employment on H.R. No. 193

The purpose of this House Resolution is to request the State Administration to review the contract policies of state agencies to ensure fair compensation and competitive salaries.

State agencies often contract private non-profit social agency workers to supplement their work or to provide invaluable services which they are unable to render in the areas of child and family counseling, elderly services and foster parenting programs. These agency workers, however, receive wages that are substandard to their counterparts in the state agencies who perform the same or similar duties.

Furthermore, private non-profit social agencies are experiencing a dilemma in recruiting and retaining social service workers because they are unable to offer the qualified candidates competitive salaries. The agencies, therefore, may not be able to continue to deliver the same high level of services and assistance unless they are able to attract competent workers in social service positions with competitive salaries.

Your Committee received favorable support from the Department of Labor and Industrial Relations, Office of Community Services; the Department of Human Services; the Department of Health; and the Honolulu Community Action Program.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 193 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1496-90 Labor and Public Employment on H.R. No. 218

The purpose of this resolution is to request the Office of Community Services in conjunction with the Office of the Attorney General, the Honolulu Community Action Program, Inc., the Hawaii County Economic Opportunity Council, the Maui Economic Opportunity, Inc., and the Kauai Economic Opportunity Inc. to undertake a study regarding the feasibility of converting private, non-profit community action agencies into a Statewide public entity.

The study shall include the impact on the continuation of receiving federal funding from the Community Service Block Grant program; the effect on daily operations of community action agencies after becoming a State entity; the manner in which the responsibilities of the tri-part board of directors may change; the structure of such a proposed State agency in relation to the Omnibus Act of 1981; and the relationship of said State entity with the Office of Community Services.

The Office of Community Services is requested to submit its observations and recommendation to the legislature twenty days prior to the convening of the Regular Session of 1991.

Your Committee received favorable testimony from the Hawaii County Economic Opportunity Council, the Maui Economic Opportunity, Inc., the Kauai Economic Opportunity, Inc., and the Honolulu Community Action Program, Inc.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 218 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1497-90 Housing; Human Services; and Intergovernmental Relations and International Affairs on H.R. No. 195

The purpose of this resolution is to have the United States Congress and the Department of Housing and Urban Development be urged to revise its rules to permit elderly housing projects to keep disabled adults who are prone to violence out of elderly housing projects, and to have the Hawaii Housing Authority and the Executive Office on Aging and county offices on aging determine how to provide more security and afford more "peace of mind" to the residents of elderly housing projects who do have disabled adults among them.

Your committees received favorable testimony from the Executive Office on Aging, the Hawaii Housing Authority, the Makua Alii Tenants Association, the Kokua Council for Senior Citizens and two elderly citizens residing in public housing. Their testimony strongly agree that individuals prone to violence should not be permitted to reside in elderly housing projects, and that all persons, regardless of age, deserve to live without fear and threats of violence and intimidation. The testimony illustrated the elderly's fearful experiences and encounters with tenants prone to violence, and the intimidation the elderly feel when subject to emotionally disturbed but physically superior non-elderly tenants.

Upon further consideration, your Committees have amended this resolution as follows:

- 1) Changed Title: REQUESTING THE MENTAL HEALTH DIVISION OF THE DEPARTMENT OF HEALTH, THE HAWAII HOUSING AUTHORITY, AND THE EXECUTIVE OFFICE ON AGING WORK COOPERATIVELY TO PREVENT INAPPROPRIATE PLACEMENT OF ADULTS WHO ARE NOT ELDERLY IN ELDERLY HOUSING PROJECTS.
- 2) Revised the second WHEREAS clause to state that federally funded elderly housing projects are allowed to provide housing for adults who are not elderly.
- 3) Replaced the term "disabled adults" with "adults who are not elderly".
- 4) Revised the first BE IT RESOLVED clause so that the Hawaii Housing Authority, the Mental Health Division of the Department of Health, and the Executive Office on Aging would be urged to develop procedures to prevent the placement of adults, who qualify for placement in public housing for the elderly, but are inappropriate because they pose a threat to elderly tenants.
- 5) Removing the Secretary of Housing and Urban Development from the last BE IT FURTHER RESOLVED clause.
- 6) Made technical, non-substantive amendments for purposes of style and clarity.

Your Committees on Housing and Human Services and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 195, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 195, H.D. 1.

Signed by all members of the Committees except Representatives Hirayama, Metcalf, Peters, Yoshimura and Cavasso.

SCRep. 1498-90 Housing and Legislative Management on H.R. No. 289

The purpose of this resolution is to request the Legislative Reference Bureau to study the feasibility of making a single agency responsible for affordable housing.

Presently both the State and the counties are involved in planning and building affordable housing but do not compete for the same funds.

Your Committee heard testimony opposing the resolution from the House Finance and Development Corporation, the Hawaii Housing Authority and the Department of Housing and Community Development of the City and County of Honolulu. The Building Industry Association of Hawaii pointed out the pitfalls of establishing a single agency which would still have to work with all other housing segments on requirements, needs and conditions.

Your Committees agreed that it would not be feasible for the Legislative Reference Bureau to do this study but that it should be undertaken by the Committee on Housing during interim. Your Committees also agreed that the study should be broadened to include non-profit as well as government agencies.

Your Committees have made the following amendments:

- (1) Changed the title to read: "Requesting the Committee on Housing of the House of Representatives to conduct an Overview of State and County Housing Agencies with the Objective of Clarifying the Responsibilities of those Agencies;
- (2) Deleted paragraphs 4 and 5;
- (3) Directed the Committee on Housing to study the continuum of available housing services, including, but not limited to, homeless and transitional shelters, rentals under public housing, cooperative ownership, and affordable housing;
- (4) Directed the Committee on Housing to examine services provided by non-profit agencies and to define "affordable housing";
- (5) Directed the Committee on Housing to study and analyze the responsibilities of both state and county agencies and highlight those areas in which there is overlapping jurisdiction; and
- (6) Made technical, non-substantive amendments for the purposes of clarity and style.

Your Committees on Housing and Legislative Management concur with the intent and purpose of H.R. No. 289, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 289, H.D. 1.

Signed by all members of the Committees except Representatives Alcon, Chang, Kihano, Peters, Cavasso and Hemmings.

SCRep. 1499-90 Finance on H.R. No. 252

The purpose of this resolution is to conduct a study of the factors contributing to the pyramiding effects of the general excise tax on the leasing of real property and other sales of goods and services.

The resolution requests the Director of Taxation to convene meetings with the Tax Foundation of Hawaii, the Chamber of Commerce of Hawaii, the Small Business Hawaii, and other interested persons to help solve these concerns. The resolution further requests the parties to draft suggested statutory language which would phase in a solution to the concerns addressed by this resolution for review by the 1991 Legislature.

Your Committee received testimony in support of this resolution from the Director of Taxation, the Tax Review Commission, the Tax Foundation of Hawaii, the Chamber of Commerce of Hawaii, and the Hawaii Association of Realtors.

Your Committee finds that this resolution provides a forum for the Department of Taxation and the private sector in which to work together to resolve the pyramiding effects of the general excise tax, thereby further improving the State's general economic and business development climate.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 252 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1500-90 Ocean and Marine Resources on H.R. No. 320

The purpose of this resolution is to request that the Department of Land and Natural Resources formulate a comprehensive management plan and a forthright statement of purpose for the use and management of Hanauma Bay.

Although the intent of the State is to protect and preserve the unique qualities of the Bay as an underwater park, there currently exists the dilemma of balancing the objective of preservation with the factor of recreational use.

Constant and unfettered use of the area has resulted in problems such as increased traffic congestion, increased litter generation, increased siltation in the bay, and water and reef quality degradation.

Your Committee heard testimony from Hawaii's Thousand Friends and Life of the Land in support of this resolution. However, since the City Department of Parks and Recreation is already in the process of preparing a general plan for preservation and management of Hanauma Bay, the Department of Land and Natural Resources is in opposition to this resolution.

Your Committee finds that although Hanauma Bay has been a state park for thirteen years, there is no comprehensive plan with management guidelines to establish a rational solution to the ongoing problems. In July 1990, the City will be implementing an eight point plan to address the current problematic situation.

However, your Committee, upon further consideration, feels that a closer coordinated working relationship should be developed between the City and State and that a baseline study must be conducted in order to fully assess the problems at Hanauma Bay.

Your Committee, therefore, has amended this resolution in the title and "Be It Resolved" clause to include the Department of Parks and Recreation of the City and County of Honolulu in developing a comprehensive management plan and baseline study.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 320, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 320, H.D. 1.

Signed by all members of the Committee.

SCRep. 1501-90 Economic Development and Hawaiian Affairs; Transportation; and Intergovernmental Relations and International Affairs on H.R. No. 275

The purpose of this resolution is to request the U.S. Department of Transportation and the U.S. Department of State to:

- (1) Enter into bilateral discussions with the agencies that approve airline routes for the governments of Singapore, Taiwan, and the British Crown Colony of Hong Kong to establish nonstop daily service by a major United States carrier between these locations and Honolulu, Hawaii; and
- (2) Explore the feasibility of establishing nonstop service between Hawaii and London, Paris, Rome, and other major European points of departure and arrival for international airline flights.

Your Committees find that an increase in the airline routes from Honolulu, Hawaii to these destinations would greatly enhance Hawaii's economic opportunities and diversify its economic base. In addition, the expansion of airline service would increase opportunities to promote Hawaii as a vacation destination.

Testimony in support of this resolution was submitted by the State Department of Transportation and the Hawaii Hotel Association.

The resolution has been amended to include an additional WHEREAS clause pointing out that the new routes would reduce Hawaii's dependency on limited markets.

Your Committees on Economic Development and Hawaiian Affairs and Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 275, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 275, H.D. 1.

Signed by all members of the Committees except Representatives Andrews, Baker, Hashimoto, Hirayama, Honda, Horita, Say, Souki, Yonamine and Marumoto.

SCRep. 1502-90 Economic Development and Hawaiian Affairs on H.R. No. 315

The purpose of this resolution is to urge the Congress and the President of the United States to enact a federal statute to allow the filing of lawsuits in federal courts against federal agencies or officials to resolve issues related to the enforcement of the Hawaiian Homes Commission Act of 1920, as amended (HHCA).

The Department of Hawaiian Home Lands (DHHL) submitted testimony in support of this resolution. Their testimony noted that many of the problems related to Hawaiian Home Lands occurred during the period when the federal government had a direct relationship to the HHCA program. The State of Hawaii assumed responsibility for the program in 1959. DHHL observed that while administrative and legislative means of settling disputes between the federal government and the State and DHHL over HHCA issues are preferable, litigation should be available as a last resort.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 315 and recommends its adoption.

Signed by all members of the Committee except Representatives Andrews, Fukunaga, Hashimoto, Honda, Say and O'Kieffe.

SCRep. 1503-90 Economic Development and Hawaiian Affairs on H.R. No. 309

The purpose of this resolution is to request the Department of Hawaiian Home Lands (DHHL) to promote the creation of advisory committees composed of beneficiaries to assure community input in decisions affecting the availability of water resources to homesteaders. The resolution requests that these advisory committees assist DHHL in all phases of water development project planning and implementation.

Availability of water is a critical issue for Hawaiian homesteaders. It is important for the success of homestead establishments that those beneficiaries who will depend on the water supply have input in decisions determining what that supply will be.

Testimony in support of this resolution was submitted by DHHL and the State Council of Hawaiian Homestead Associations.

Your Committee believes that beneficiaries should have a say in all matters affecting the establishment of homesteads, not merely on water issues. Therefore, this resolution has been amended by deleting references calling only for beneficiary participation in water decisions and by requesting support of beneficiary involvement in all phases of homestead development. Technical, nonsubstantive amendments have also 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. 309, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 309, H.D. 1.

Signed by all members of the Committee except Representatives Andrews, Fukunaga, Hashimoto, Honda, Say and O'Kieffe.

SCRep. 1504-90 Economic Development and Hawaiian Affairs on H.R. No. 330

The purpose of this resolution is to request the Department of Hawaiian Home Lands (DHHL) to incorporate flood control plans in their new homestead development project in Waimanalo, to include plans and funding in the development to raise by jacks, existing homes in an area in Waimanalo which frequently suffer flooding, and to raise the ground level of the property on which these homes sit by fill and grading to alleviate future flooding.

Several homes in an area extending from the intersection of Ala Koa Street and Kalaniana'ole Highway to the home at 41-816 Kalaniana'ole Highway were originally built at an elevation lower than the surrounding homes and the Highway. As a result, during extended heavy rain, water accumulates in the yards of these houses, causing damage to property and inconvenience to the residents.

DHHL testified in support of this resolution. They noted that construction work on the new homestead development in Waimanalo, due to begin in May of 1990, will include new drainage outlets along Kalaniana'ole Highway and grading of the Waimanalo Quarry area. These actions should substantially reduce flooding in the area fronting Kalaniana'ole Highway.

Your Committee has amended this resolution to request that DHHL examine alternatives to prevent flooding of the identified area, determine an appropriate course of action, implement plans to correct the problems, and report back to the 1991 Legislature on actions taken.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 330, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 330, H.D. 1.

Signed by all members of the Committees except Representatives Andrews, Fukunaga, Hashimoto, Honda, Say and O'Kieffe.

SCRep. 1505-90 Judiciary and Intergovernmental Relations and International Affairs on H.R. No. 185

The purpose of this resolution is to request that the United States sign and ratify international legislation relating to the recognition and enforcement of family maintenance decisions.

Your Committees received favorable testimony on this resolution from the Judiciary, the Hawaii State Commission on the Status of Women, the Corporation Counsel of the City and County of Honolulu, and the Corporation Counsel of the County of Hawaii.

Your Committees understands this resolution to request the United States government to sign and ratify two treaties concerning international enforcement of child support: the 1956 United Nations ECOSOC convention on the Recovery Abroad of Maintenance and the 1973 Hague Convention of XXIII - convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations.

Your Committees believes that ratification of these two treaties would greatly expedite the international pursuit of child and spousal support enforcement. The treaties' ratification would provide a viable avenue for those situations where the non-custodial parent has fled to a foreign country, in part, to avoid support obligations. Conversely, the custodial parent residing in a foreign country would also have a right of recourse against a non-paying parent who takes up residence in the United States.

Your Committees recognizes that there are a significant number of non-support cases involving absent parents who have opted to avoid their parental responsibilities by relocating to other countries. Similarly, there are parents from other countries who have relocated in Hawaii for the same purpose. Unfortunately, because of the difficulty in obtaining reciprocity with these countries at a state level, support claims between Hawaii and those affected countries are not satisfactorily addressed.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 185 and recommend its adoption.

Signed by all members of the Committees except Representatives Andrews, Cachola, Hirono, Okamura, Souki, Takamine, Yoshimura and Cavasso.

SCRep. 1506-90 Judiciary on H.R. No. 176

The purpose of this resolution is to request the State's Center for Alternative Dispute Resolution to convene and conduct a series of roundtable discussions for the purpose of making recommendations aimed at further developing the use of mediation, arbitration, and other alternative dispute resolution methods in Hawaii's courts.

Your Committee received testimony in support of this resolution from the State Judiciary and an attorney experienced in mediation, arbitration and alternative dispute resolution.

Your Committee finds worthy the purpose of this resolution and anticipates fruitful discussions on the development of proposals aimed at strengthening the various dispute resolution procedures in the State.

Your Committee on Judiciary is in accord with the intent and purpose of H.R. No. 176 and recommends its adoption.

Signed by all members of the Committee except Representatives Andrews, Hirono, Yoshimura and Cavasso.

SCRep. 1507-90 Judiciary on H.R. No. 290

The purpose of this resolution is to request that the Office of Information publish a directory of all state boards and commissions, with all pertinent information of the same, and disseminate that directory to each household statewide.

Testimony on this resolution from the Office of Information and Representative Tam.

Your Committee believes that a compilation of a directory of all state boards and commissions would greatly assist the members of the general public who may be trying to resolve problems or may be desiring to attend public hearings in their areas of interest. Your Committee is aware, however, that there is presently no indexed source of reference to assist the public and, consequently, the members of the public may not succeed in resolving their problems or they may lose interest in participating in the democratic process of public hearings.

While your Committee expressly desires the creation of a directory for public use, your Committee is also aware that this resolution creates issues which are not resolved herein. Your Committee has amended this resolution, therefore, by making the following changes:

- (1) deleting the request to the Office of Information to publish a directory and all other references to the contents and mailing of the directory;
- (2) amending the resolution to request the Office of Information to conduct a study exploring the range of options making a directory available to the public and the accompanying projected cost for each option if implemented; and
- (3) requesting the Office of Information to submit its findings and recommendations to the Legislature at least twenty days prior to the convening of the Regular Session of 1991.

Your Committee realizes that current government directories are not easily accessible to the general public and reiterates its position supporting a publication of a directory for public use as a source information.

Your Committee on Judiciary 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 except Representatives Andrews, Hirono, Yoshimura and Cavasso.

SCRep. 1508-90 Judiciary on H.R. No. 229

The purpose of this resolution is to request that the respective rules of both houses of the State Legislature be amended to require documentation of legislative findings.

Your Committee received testimony in support of this resolution from many interested members of the community and from Savio Development Co., Inc.

Your Committee finds that requiring legislative findings to be supported or documented as a prerequisite to the filing of bills is a noteworthy goal.

Your Committee on Judiciary is in accord with the intent and purpose of H.R. No. 229 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Andrews, Hirono, Yoshimura and Cavasso.

SCRep. 1509-90 Human Services; Health; and Intergovernmental Relations and International Affairs on H.R. No. 291

The purpose of this resolution is to request the United States Congress and the United States Secretary of Veterans Affairs to eliminate the 12-1/3 acre site near Booth Road in Pauoa Valley from the list of possible sites for the proposed veterans hospital in Hawaii.

Your Committee received testimony in support of this measure from the State representative of the 33rd District and a concerned citizen.

The State representative testified that residents of the 33rd District were adamantly opposed to the hospital being built at the Booth Road site. The surrounding community, currently zoned as single-family residential, lacks the infrastructure which is necessary to support the hospital and its level of activity. Residents have expressed many concerns regarding traffic congestion, noise and air pollution, and disruption of the peaceful, single-family residential character of Pauoa Valley.

Your Committees find that the building and operation of the veterans hospital will have a tremendous impact on residents, businesses, and communities in close proximity to the selected site. Your Committees also find that because many legitimate concerns have been raised about the negative impact of building the hospital at particular sites, a forum is needed in the State of Hawaii to address public concern and gather public input for consideration in the site selection process.

For the foregoing reasons, your Committees have amended the resolution as follows:

- (1) Directed the focus of the resolution to all seven proposed sites rather than just the Booth Road site;
- (2) Requested that the Secretary of Veterans Affairs provide a forum in the State of Hawaii wherein public concerns and input will be addressed and received for consideration in the site selection process;
- (3) Requested that as part of the site selection process, the Department of Veterans Affairs and the Secretary of Veterans Affairs consider hospital access, site and area infrastructure, and impact on surrounding communities, including but not limited to disruption of the character of residential communities, potential hazards, noise and air pollution, parking problems, and traffic congestion;
- (4) Directed that a certified copy of the resolution be transmitted to the Office of Veterans Affairs; and
- (5) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committees on Human Services, Health, and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 291, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 291, H.D. 1.

Signed by all members of the Committees except Representatives Baker, Hirayama, Hirono, Metcalf, Oshiro, Peters, Tajiri, Tam, Yoshimura and Cavasso.

SCRep. 1510-90 Human Services and Health on H.R. No. 154

The purpose of this resolution is to request the Departments of Health and Human Services to coordinate efforts to maximize federal Medicaid funds as recommended by the Legislative Auditor's report entitled, "Study and Plan for Maximizing Federal Medicaid Funds for Hawaii".

Your Committees received testimony in support of the intent of this resolution from the Departments of Health and Human Services, the Hawaii Public Health Association, the Honolulu Community Action Program, Inc., the State Planning Council on Developmental Disabilities, the Hawaii Centers for Independent Living, and the Committee on Welfare Concerns.

The Department of Human Services testified that it recently acquired a Research and Development Program Specialist whose primary responsibility is to ensure that appropriate program staff coordinate efforts with the Department of Health to evaluate and implement the recommendations of the Auditor's report.

The Department of Health testified that it has considered acquiring a similar position to ensure coordination of efforts with the Department of Human Services.

The Committee on Welfare Concerns emphasized that because state responsibility for health care is divided between the Departments of Health and Human Services, it is vital that their efforts be coordinated to ensure that the citizens of the state have adequate health care. Although many of the Auditor's recommendations are currently being implemented, much more remains to be done.

Your Committees express concern with the policy of the Department of Human Services which requires State moneys to cover 100 percent of the costs of Medicaid until such time as the Department seeks and obtains federal reimbursement. Your Committees believe that this policy does not foster incentive to promptly and aggressively pursue maximum federal reimbursement.

Your Committees have amended this resolution as follows:

- (1) Added language which expresses concern regarding the policy of the Department of Human Services that requires the State to cover 100 percent of the costs of Medicaid up front, and requested the Department to address these concerns;
- (2) Clarified that the Departments of Health and Human Services, in developing and implementing the strategic plan, shall:
 - (A) Broaden Medicaid coverage and improve policies and procedures for federal reimbursement;
 - (B) Mutually establish a process which will ensure effective, consistent, and on-going interdepartmental communication and coordination;
 - (C) Open the administrative processes of the departments to input from interested community groups;

- (D) Develop more effective information systems for monitoring, assessing, and implementing Medicaid options and coverage;
 - (E) Establish within each department at least one staff position which will act as the designated focal point for monitoring, assessing, developing, and implementing the strategic plan; and
 - (F) Identify other state health policy issues and programs requiring coordination between the two departments, including the State Health Insurance Program, and develop plans and mechanisms for interdepartmental collaboration;
- (3) Required both departments to report their findings and recommendations to the Legislature with the option that they may report either jointly or individually; and
- (4) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committees on Human Services and Health concur with the intent and purpose of H.R. No. 154, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 154, H.D. 1.

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

SCRep. 1511-90 Human Services on H.R. No. 162

The purpose of this resolution is to shorten the generic application form used by the Department of Human Services for financial assistance applications.

Your Committee received testimony in support of the intent of this resolution from the Honolulu Community Action Program, Inc., the State Planning Council on Developmental Disabilities, the Committee on Welfare Concerns, and a private citizen. This testimony indicated that the 44-page generic application form currently used by the Department of Human Services is excessively cumbersome and intimidating in its length and detail. Many eligible applicants for public assistance entitlement programs are so overwhelmed by the application process itself, that they give up all hope before they have even begun the process.

The Committee on Welfare Concerns also testified that a separate form should be designed for food stamp application since many families only seek food stamps assistance.

The Department of Human Services testified that the present 44-page generic application has streamlined the application process by giving the applicant an opportunity to apply, via one application, for food stamps, medicaid, or a combination for money payment benefits. However, because the Department is aware of continuing processing delays and client frustration and confusion, it is currently engaged in the lengthy and complicated process of designing a shortened generic form which will conform to applicable regulations.

Based on the foregoing, your Committee has amended the resolution as follows:

- (1) Requested the Department of Human Services to design a separate form for food stamp applicants and amended the title of the resolution to reflect this additional request;
- (2) Required the Department of Human Services to submit a description and a copy of its separate food stamp application form to the Legislature no later than twenty days before the convening of the Regular Session of 1991; and
- (3) Made technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 162, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 162, H.D. 1.

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

SCRep. 1512-90 Agriculture on H.R. No. 293

The purpose of this resolution is to request the Governor's Agriculture Coordinating Committee (GACC) to form a committee to study whether it is feasible to establish an agricultural research and development institute and to examine alternative management structures, operations, and sources of funding.

Currently, aside from the efforts of the Hawaiian Sugar Planters' Association and other smaller private industry or industry groups, most of Hawaii's agricultural research and development activities are conducted by the University of Hawaii. Some members of the agricultural community, concluding that the University of Hawaii is having certain difficulties meeting the ever increasing demand for agricultural research and development, propose the establishment of an alternate but complementary agricultural research institute with an industry-oriented organizational and operational structure as a solution to this problem.

The testimony indicated that:

- (1) There is a growing awareness among the agricultural community that the existing system for agricultural research is inadequate, and that the system needs to be modified if the emerging diversified Hawaiian

agricultural industry is to maintain its competitive position with technology and efficiency evolving from agricultural research;

- (2) Because of its inherent educational orientation, the College of Tropical Agriculture and Human Resources cannot meet all of the agricultural industry's need for timely research, including development of advanced agricultural technology; and
- (3) There is need for a small active committee: (1) to design a plan for an independent and industry oriented research and development institute; and (2) to obtain an industry-wide agreement on the plan.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 293 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1513-90 Agriculture on H.R. No. 232

The purpose of this resolution is to request the Department of Agriculture (DOA) to consider the Kaluanui Farms Subdivision in Punaluu, Oahu, among the potential sites for future acquisition and development as a State agricultural park.

Currently, there are four agricultural parks on Oahu (Kahuku, Waianae, Waimanalo-Phase 2, and Waiahole) in various stages of construction or lease disposition. The DOA is also considering development of a park for livestock on Oahu. Since the agricultural parks law authorizes the State to acquire private lands for such purposes, this resolution identifies the Kaluanui Farms site as a potential site for acquisition.

Testimony from the DOA indicated that it will review the Kaluanui Farms site as a possible site for an agricultural park with its ad hoc site selection advisory committee (composed primarily of farmers from the Hawaii Farm Bureau Federation).

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

Signed by all members of the Committee.

SCRep. 1514-90 Ocean and Marine Resources and Intergovernmental Relations and International Affairs on S.C.R. No. 4

The purpose of this concurrent resolution is to urge support for the establishment of a compact between Pacific states and the Canadian Province of British Columbia to provide for future planning and protection of ocean resources which are of regional concern.

Your Committees received testimony in support of this concurrent resolution from the Department of Land and Natural Resources and the Office of State Planning.

Your Committees find that the Province of British Columbia has already undertaken efforts to cooperate with Pacific states regarding oil spill responses and the further sharing of information and management practices on a regional basis will foster a unified approach to coastal and ocean management for the Pacific states.

Your Committees on Ocean and Marine Resources and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 4, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representative Horita.

SCRep. 1515-90 Ocean and Marine Resources and Intergovernmental Relations and International Affairs on S.C.R. No. 5

The purpose of this concurrent resolution is to urge the United States Department of State to give higher priority to the elimination of high seas drift gill nets, and to increase international cooperation and research to foster a greater understanding of the ocean.

Your Committees received testimony in support of this concurrent resolution from the Department of Land and Natural Resources, the Office of State Planning, the University of Hawaii Environmental Center, and Hawaii's Thousand Friends.

Your Committees find that the unwarranted and indiscriminate destruction of living marine resources is engendered by the use of drift gill nets on the high seas. Long gill nets set adrift for periods of time, usually 24 to 48 hours, are non-selective of the species they catch and may include marine mammals and turtles as well as fish with little or no commercial value that are then discarded in dead or a weakened condition.

Your Committees on Ocean and Marine Resources and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 5, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representative Horita.

SCRep. 1516-90 Ocean and Marine Resources and Intergovernmental Relations and International Affairs on S.C.R. No. 46

The purpose of this concurrent resolution is to urge the President of the United States and the United States Congress to suspend trade relations with any nation supporting or sanctioning the practice of driftnet fishing.

Your Committees received testimony from the Department of Land and Natural Resources, the University of Hawaii Environmental Center and Hawaii's Thousand Friends in support of the resolution.

However, there is concern as to whether suspending trade relations with nations supporting driftnet fishing is a viable approach to the issue. Suspension of trade relations with such nations as Japan would have far reaching economic ramifications.

Therefore, your Committees have agreed on an alternative approach and amended this concurrent resolution and the title to urge Congress to inform the coastal states of the United States as well as the Pacific Islands of American Samoa, Federated States of Micronesia, Guam, Northern Mariana Islands and Republic of Belau to ban large-scale driftnets, to prohibit transshipment of driftnet-caught fish and to refuse to service ships engaging in driftnetting with any nation supporting or sanctioning the practice of driftnet fishing.

Your Committees on Ocean and Marine Resources and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 46, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 46, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representative Horita.

SCRep. 1517-90 Ocean and Marine Resources and Intergovernmental Relations and International Affairs on S.C.R. No. 7

The purpose of this concurrent resolution is to urge Congress to extend the territorial limits of the United States and Coastal States from three to twelve miles offshore and to clarify the legal status under domestic law of the newly expanded territorial sea.

Presidential Proclamation 5928 extends the U.S. territorial sea from three to twelve miles which raises fundamental questions of domestic law and policy which Congress must contend with.

Though the United States has established an Exclusive Economic Zone of 200 miles offshore under which the Federal government claims many of the exclusive rights to ocean resources, Coastal States lose important benefits from marine resource development by being restricted to operations within the limits of only three miles.

Your Committees heard testimony in support of this concurrent resolution from the Office of State Planning.

Your Committees find that by measuring nautical miles through coordinates, it is 1.15 times greater than measuring by statutory miles. Twelve nautical miles is equivalent to 13.809 statutory miles.

Therefore, your Committees have amended the title and body of this concurrent resolution to include nautical miles.

Your Committees on Ocean and Marine Resources and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 7, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 7, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representatives Hirayama, Horita and Takamine.

SCRep. 1518-90 Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs on S.C.R. No. 2

The purpose of this measure is to urge the counties to establish programs to facilitate the review of building codes and to revise them in order to incorporate new approaches in energy efficiency technology.

Testimony from Hawaiian Electric Company and Hawaii's Thousand Friends concurred with this measure.

Your Committees have determined that continued emphasis must be placed on reducing the State's use of non-renewable fossil fuel, and that incorporating the latest knowledge of energy efficiency in building design is a very effective way to achieve this goal.

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. 2, S.D. 1, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1519-90 Labor and Public Employment on S.C.R. No. 84

The purpose of this concurrent resolution, as received by your Committee, is to secure legislative approval for the report submitted by the personnel directors of the State, the Judiciary, and the counties, including the report published by the Public Employees Compensation Appeals Board (PECAB).

Sections 77-4 and 77-5, Hawaii Revised Statutes, require all personnel directors of the State, the Judiciary, and the counties to meet in joint conference each odd-numbered year to review the general condition of the compensation plan for civil service employees and to compile their views and recommendations for submission to the Public Employees Compensation Appeals Board for its consideration.

Your Committee received testimony in favor of the senate concurrent resolution, stating that the adoption of said concurrent resolution will result in the implementation of the compensation plans effective July 1, 1990.

Your Committee on Labor and Public Employment concurs with the intent and purpose of S.C.R. No. 84 and recommends its adoption.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1520-90 Economic Development and Hawaiian Affairs on S.C.R. No. 51

The purpose of this concurrent resolution is to request the Legislative Auditor to examine the administrative procedures by which ceded lands are valued and by which the Hawaiian beneficiary programs' share of the income from ceded lands and cultivated sugar cane lands leased by the State is transferred. The Auditor's findings and recommendations will be submitted to the 1991 Legislature.

The State Constitution provides that the Department of Hawaiian Home Lands (DHHL) shall receive thirty percent of the income derived from the cultivation of sugar cane on leased State lands or from the disposition of these lands, and that the Office of Hawaiian Affairs (OHA) shall receive a portion of the income derived from the State's ceded lands. However, no mechanism currently exists to ensure a fair valuation of ceded lands which are disposed of to another state agency, since this is usually occurs through a land exchange. Nor does any mechanism exist to ensure that state agencies transmit the appropriate revenue entitlements to DHHL or OHA when ceded lands or cultivated sugar cane lands are disposed of.

Testimony in support of this concurrent resolution was submitted by the Department of Hawaiian Home Lands and the Department of Land and Natural Resources.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of S.C.R. No. 51, S.D. 1, and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Andrews, Fukunaga, Hashimoto, Honda, Isbell, Say and O'Kieffe.

SCRep. 1521-90 Water and Land Use on H.R. No. 277

The purpose of this resolution is to consider the feasibility of the acquisition of lands owned by Bishop Museum in Waipio Valley on the Big Island by evaluating a variety of issues related to the State purchase and management of the Valley. This measure requests the establishment of a Task Force To Preserve Waipio Valley to conduct the requested evaluation.

Your Committee finds that there are compelling reasons for the State to acquire Waipio Valley from private owners. First of all, the Valley contains historic and cultural resources of significance to the people of Hawaii. And secondly, Bishop Museum, the owner of the lower portion of the Valley, has been unable to obtain adequate returns on these lands in order to meet its pressing financial needs to support on-going programs and operating costs.

This resolution calls for the Task Force to begin the process of studying various issues related to the use of the Valley including such concerns as limiting the number of visitors entering the Valley, reviewing the impact to the Valley from urban uses on upper lands that drain into the Valley, and so forth.

Your Committee received testimony on this resolution from the Department of Land and Natural Resources (DLNR), the Governor's Agriculture Coordinating Committee, the Bishop Museum, and the Waipio Farmers' Association. Because DLNR believed that the reviews requested of the Task Force are fairly technical in nature, it recommended that funds be provided to hire consultants to complete the studies.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 277 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1522-90 Water and Land Use on H.R. No. 182

The purpose of this resolution is to exclude the Division of Conservation and Resource Enforcement (Division) and its personnel from consideration for transfer to the Department of Public Safety because of the Division's diverse and different responsibilities.

Your Committee received supporting testimony from the Department of Land and Natural Resources and Hawaii's Thousand Friends.

Act 211, Session Laws of Hawaii 1989, requires that all public safety functions and employees of State Government be consolidated into the Department of Public Safety. Because the focus of the Division is on conservation and management of natural resources rather than threats to public safety, your Committee feels that it would not be appropriate to transfer the Division to the Department of Public Safety.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 182 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1523-90 Agriculture on S.C.R. No. 91

The purpose of this concurrent resolution is to urge the airlines to help protect Hawaii's natural environment by showing a public awareness and educational video program about Hawaii's plant and animal quarantine laws during its domestic flights to Hawaii.

Your Committee received testimony in support of this concurrent resolution from the Department of Agriculture, the Hawaii Farm Bureau Federation, and the League of Women Voters of Hawaii (LWVH). The LWVH indicated that the public-private group formed to develop this video is committed to produce a program of the highest caliber, one that will entertain as well as educate and motivate. The LWVH also suggested that the foreign carriers should be urged to show the video program, subtitled in appropriate foreign language, as a next step in this educational and informational program.

Your Committee believes that such inflight video show, detailing Hawaii's plant and animal quarantine laws, would not only prevent any intentional or unintentional introduction of unwanted plants, animals, and microorganisms; but also, increase the passengers' compliance in filing Hawaii's plant and animal declaration forms passed out and collected by the airlines.

Your Committee on Agriculture concurs with the intent and purpose of S.C.R. No. 91 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1524-90 Agriculture on S.C.R. No. 93

The purpose of this concurrent resolution is to request the Department of Agriculture (DOA) to review and revise its licensing requirements to operate a satellite animal quarantine facility so that the Neighbor Island animal care facilities may be able to qualify and operate such a satellite facility.

It is your Committee's understanding that the existing rules for licensing and certification are so stringent that no operator is able to qualify to operate a satellite facility in an administratively responsible manner with expectations of reasonable profit. Your Committee also finds that satellite animal quarantine facilities are needed on the Neighbor Islands to: (1) minimize the trauma and ordeal of separation suffered by both pets and pet owners; and (2) alleviate the inconveniences and costs incurred by Neighbor Island pet owners when they visit their pets at the Halawa Station.

In its testimony, the Department of Agriculture indicated it will conduct a review of the current permitting system and amend the current Administrative Rules governing quarantine facilities.

Your Committee on Agriculture concurs with the intent and purpose of S.C.R. No. 93, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1525-90 Agriculture on S.C.R. No. 95

The purpose of this concurrent resolution is to request the Department of Agriculture (DOA) to conduct a feasibility study for establishing a fully equipped veterinary clinic capable of handling medical emergencies for dogs and cats quarantined at the Halawa Animal Quarantine Station.

Your Committee finds that the Halawa facility maintains a veterinary clinic capable of handling routine medical examinations. When a medical emergency arises, the animals are sent out to a private veterinary facility for medical attention and treatment.

The testimony indicated that since the animal quarantine law mandates a 120-day confinement at the Halawa Station, the State should provide the necessary facility to treat emergency medical needs of the animals in quarantine. By maintaining a fully equipped veterinary clinic on the premises, the animals needing medical treatment would receive quick attention; and in severe medical emergencies, this could increase their chances for survival.

The testimony from the Department of Agriculture indicated support for this concurrent resolution.

Your Committee on Agriculture concurs with the intent and purpose of S.C.R. No. 95 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1526-90 Agriculture on S.C.R. No. 156

The purpose of this concurrent resolution is to request that the College of Tropical Agriculture and Human Resources (CTAHR) assess whether it is technically and economically feasible to process and market those Hawaii grown tropical fruits which are currently kept out of the fresh export market under the fruit fly quarantine regulations.

CTAHR indicated that it would be pleased to conduct the feasibility study and report on the available opportunities and actions required for processing and marketing tropical fruits.

Your Committee on Agriculture concurs with the intent and purpose of S.C.R. No. 156 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1527-90 Agriculture on S.C.R. No. 220

The purpose of this concurrent resolution is to appoint a task force with expertise in such disciplines as economics, finance, agribusiness, marketing, advertising, and transportation, among others, to:

- (1) Evaluate existing policies, systems, and institutions that affect agricultural development in Hawaii;
- (2) Identify those factors which hinder the development of agricultural enterprises; and
- (3) Submit its findings and recommendations for changes or for new directions that will lead to the development of successful agricultural enterprises.

Your Committee received testimony in support of this concurrent resolution from the Department of Agriculture and the College of Tropical Agriculture and Human Resources (CTAHR). The CTAHR recommended that the task force give primary emphasis to policy issues to complement the ongoing agricultural planning activities.

Your Committee on Agriculture concurs with the intent and purpose of S.C.R. No. 220, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1528-90 Agriculture on S.C.R. No. 221

The purpose of this concurrent resolution is to urge the Governor to submit a proposal (involving the economically depressed Hamakua Coast region) to qualify for the 1990 Community Development Block Grant (CDBG) program administered by the Department of Housing and Urban Development (HUD).

Upon the Secretary's approval for the proposal, an application for \$1.3 million block grant would be submitted to the Secretary's Discretionary Fund for Special Projects to be used to sustain the viable communities on the Big Island Hamakua Coast region by:

- (1) Providing decent housing and a suitable living environment;
- (2) Expanding economic opportunities, principally for low and moderately low income people; and
- (3) Providing job retention programs for agricultural workers at the two plantations.

The testimony indicated that:

- (1) The Department of Business and Economic Development should be the designated agency; and
- (2) The funds available in the HUD Secretary's Discretionary Fund for Special Projects will not displace any CDBG funds now being allocated to the county governments in Hawaii for their housing and economic development programs.

Your Committee on Agriculture concurs with the intent and purpose of S.C.R. No. 221, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1529-90 Agriculture on S.C.R. No. 223

The purpose of this concurrent resolution is to request that the Governor's Agriculture Coordinating Committee form a committee to develop and report on a proposal for an agricultural research and development institute, providing details of proposed structure and management, funding, methods of operation, and other relevant matters.

Your Committee heard testimony indicating that the existing system of agricultural research and development in Hawaii is not adequate to fulfill the needs of the diversified agricultural industry. For this industry to compete in the market places, it must maintain an edge over its competitors through better agricultural research under an industry oriented research organization with quick problem solving responses rather than through an educational oriented system, as is the case today. Your Committee also heard testimony indicating that the model used to develop a proposal for a food processing center for Hawaii can be used in situations where the need for an institute is established.

Your Committee on Agriculture concurs with the intent and purpose of S.C.R. No. 223, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1530-90 Education on S.C.R. No. 174

The purpose of this concurrent resolution is to request that the Legislative Reference Bureau, in consultation with the Department of Labor and Industrial Relations, the Department of Education, the Hawaii State Teachers Association, and the Chamber of Commerce, conduct a study regarding the desirability of amending Section 390-2, Hawaii Revised Statutes, so that the Child Labor Law will reflect the State's unqualified commitment to quality education with stipulations such as: teens older than fifteen not be permitted to work beyond 8:00 p.m. on any evening preceding a school day; that exception be allowed for students with special considerations such as half-day students; and that any student suspended from school not be permitted to work during school hours on such days.

The Department of Education, the Department of Labor and Industrial Relations and the Hawaii State Teachers Association testified in favor of this measure.

Your Committee on Education concurs with the intent and purpose of S.C.R. No. 174 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1531-90 Education on S.C.R. No. 226

The purpose of this resolution is to request that the Department of Education research successful abstinence programs and other programs designed to reduce teen pregnancies. The measure further requests that the Department research federal funds which may be available to Hawaii under Title XX or other programs for the purpose of supporting teen pregnancy prevention activities in the public schools.

The Department of Education, the Governor's Committee on AIDS and others testified in favor of this measure.

Your Committee has amended this resolution by:

- 1) Requesting the Department of Health, in addition to the Department of Education, to research various abstinence and teen pregnancy prevention programs and the federal funds available to Hawaii and amending the title to reflect the change;
- 2) Deleting reference to Title XX and other programs which limited sources of funding; and
- 3) Making technical, nonsubstantive revisions for purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of S.C.R. No. 226, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 226, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1532-90 Education on S.C.R. No. 108

The purpose of this concurrent resolution is to request that the Legislature support the establishment of a pilot, Challenger Center affiliate satellite site in Oahu's Leeward School District.

This measure further requests that the Challenger Center for Space Science Education assist the Department of Education in completing all the applications needed to establish a pilot, Challenger Center affiliate satellite site in the State of Hawaii so the Legislature can duly consider a request for funding from the Department of Education to establish an affiliate satellite site in Oahu's Leeward School District.

Testimony submitted by the Department of Education was in favor of this measure.

Your Committee has amended this resolution by making technical, nonsubstantive revisions for purposes of style and clarity.

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

Signed by all members of the Committee.

SCRep. 1533-90 Education on S.C.R. No. 26

The purpose of this concurrent resolution is to request that the Legislature wholeheartedly support the continuation of the Book Sale as an annual tradition.

This measure further requests that the Legislature urge the State, the City and County of Honolulu, and the private sector to help the Friends locate and obtain permanent storage facilities needed to insure the continuation of the Book Sale.

Testimony submitted by the Friends of the Library Hawaii was in favor of this measure.

Your Committee has amended this resolution by adding the State Administration and the Hawaii State Public Library System to the list of organizations that will be urged to assist the Friends locate and obtain permanent storage facilities needed to insure the continuation of the Book Sale.

Your Committee on Education concurs with the intent and purpose of S.C.R. No. 26, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 26, H.D. 1.

Signed by all members of the Committee.

SCRep. 1534-90 Economic Development and Hawaiian Affairs and Intergovernmental Relations and International Affairs on S.C.R. No. 41

The purpose of this concurrent resolution is to request the counties to provide the Legislature information on how much revenue would be affected by exempting Hawaiian Home Lands tracts leased by native Hawaiians from real property taxes.

A homestead lessee's interest in the land is not freely transferable as with other leasehold or fee simple property. It is inappropriate for the counties to assess taxes on homestead lots in the same manner as other property due to the limitations placed on Hawaiian home lands by the Hawaiian Homes Commission Act.

Your Committee has amended this concurrent resolution by adding a new "Whereas" clause detailing the differences between HHCA lots and ordinary real property, and a new "Resolved" clause requesting the counties to develop a system of valuing HHCA lots which takes into account differences between HHCA leases and ordinary property leases.

Your Committees on Economic Development and Hawaiian Affairs and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 41, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 41, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representatives Apo, Baker, Bybee, Hiraki, Horita, Takamine and Yoshimura.

SCRep. 1535-90 Economic Development and Hawaiian Affairs and Intergovernmental Relations and International Affairs on S.C.R. No. 73

The purpose of this concurrent resolution is to request the Pacific International Center for High Technology Research to promote Hawaii as the host site for the first conference of the International Institute for Novel Computing (IINC) and as a site for an IINC-endowed research institute.

During the past decade several countries funded national research and development projects in computing. In 1989 the Japanese government announced its intention to initiate a new ten-year computing research project. However, this project, the International Institute for Novel Computing, is intended to promote international cooperation in research.

Testimony in support of this concurrent resolution was submitted by the Pacific International Center for High Technology Research (PICHTR) and the University of Hawaii. PICHTR noted that it has already been in touch with IINC officials and that IINC's first conference, scheduled for this fall, is being considered for either Hawaii or Tokyo.

Your Committees have amended this concurrent resolution to include the name of an IINC representative as a recipient of the concurrent resolution.

Your Committees on Economic Development and Hawaiian Affairs and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 73, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 73, H.D. 1.

Signed by all members of the Committees except Representatives Apo, Baker, Bybee, Hiraki, Horita, Takamine and Yoshimura.

SCRep. 1536-90 Human Services and Intergovernmental Relations and International Affairs on S.C.R. No. 128

The purpose of this concurrent resolution is to urge the Hawaii congressional delegation to support federal legislation that would allow social security and supplemental security income cost of living allowances received by persons on public assistance, medicaid, food stamps, and federally funded housing programs to be exempt from being counted as income when determining eligibility for these benefits.

Your Committees find that the federal programs for medicaid, food stamps and housing assistance require that cost-of-living allowances (COLA) be included as income in determining eligibility and benefits. This inclusion of COLA can have a disastrous effect on Hawaii's poor, disabled, or marginal income residents. Although the purpose of COLA is to help maintain people at the same standard of living as the prior year, the receipt of COLA will continue to have a negative impact on many public assistance recipients unless federal legislation exempts it from the above programs.

Your Committees note that this resolution's content is identical to H.C.R. 138 which was heard and passed out by your Committees (Stand. Com. Rpt. No. 1415-90).

Your Committees on Human Services and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 128 and recommend its adoption.

Signed by all members of the Committees except Representatives Bybee, Peters and Tajiri.

SCRep. 1537-90 Human Services and Health on S.C.R. No. 130

The purpose of this concurrent resolution is to request the Department of Human Services, in conjunction with the Department of Health, to report to the Legislature on their efforts to maximize federal medicaid funds and to implement the strategic plan and other recommendations contained in the Legislative Auditor's report.

Your Committees find that by maximizing federal medicaid funds, more health care services will be provided to those in need in the low income gap group. It will also provide cost effective alternatives for enhancing and expanding the scope of services to high risk populations served by the Department of Health.

Your Committees note that this resolution's content is identical to H.C.R. 140 which was heard and passed out by your Committees (Stand. Com. Rpt. No. 1431-90). Your Committees have amended this concurrent resolution to include language from H.C.R. 140, as follows:

- (1) Added language which expresses concern regarding the policy of the Department of Human Services that requires the State to cover 100 percent of the costs of Medicaid up front, and requested the Department to address these concerns;
- (2) Clarified that the Departments of Health and Human Services, in developing and implementing the strategic plan, shall:
 - (A) Broaden Medicaid coverage and improve policies and procedures for federal reimbursement;
 - (B) Mutually establish a process which will ensure effective, consistent, and on-going interdepartmental communication and coordination;
 - (C) Open the administrative processes of the departments to input from interested community groups;
 - (D) Develop more effective information systems for monitoring, assessing, and implementing Medicaid options and coverage;
 - (E) Establish within each department at least one staff position which will act as the designated focal point for monitoring, assessing, developing, and implementing the strategic plan; and
 - (F) Identify other state health policy issues and programs requiring coordination between the two departments, including the State Health Insurance Program, and develop plans and mechanisms for interdepartmental collaboration;
- (3) Required both departments to report their findings and recommendations to the Legislature with the option that they may report either jointly or individually; and
- (4) Made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committees on Human Services and Health concur with the intent and purpose of S.C.R. No. 130, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 130, H.D. 1.

Signed by all members of the Committees except Representative Peters.

SCRep. 1538-90 Human Services on S.C.R. No. 211

The purpose of this resolution is to request the Department of Corrections to conduct a study of the feasibility of establishing a pre-release center for adult prisoners who are within two years of their release. This study shall include:

- (1) An outline of a wide variety of the programs which could be offered;

- (2) Estimates of the costs of a variety of designs and plans, construction, equipment, land, staff and outside services;
- (3) A description of the numbers and natures of the projected inmate population;
- (4) Recommendations for possible sites for such a facility or facilities, considering sites both public and private; and
- (5) A critical review of the experience of other states, of any kindred efforts with pre-release centers, their efforts, costs, operational costs, programs provided, and successes or failures.

Your Committee notes that this resolution's content is similar to H.C.R. 150 which was heard and passed out by your committee (stand. Com. Rep. No. 1296-90). Your Committee has amended this concurrent resolution to insert language from H.C.R. 150 which requires the Department of Corrections to assess the need for a pre-release center, rather than attempt a comprehensive feasibility study without necessary funding. Your Committee has also amended the title to the following:

"REQUESTING A STUDY TO ASSESS THE NEED FOR A PRE-RELEASE CENTER FOR ADULT INMATES".

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 211, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 211, H.D. 1.

Signed by all members of the Committee except Representative Peters.

SCRep. 1539-90 Human Services on S.C.R. No. 15

The purpose of this Concurrent Resolution is to request the Departments of Public Safety and of Human Services to develop a written profile for each adult and juvenile incarcerated in correctional facilities in the State.

The inmate profiles are to include each person's educational background, marital status, ethnicity, history of drug usage, criminal record, literacy rate, and other data relevant to rehabilitation and treatment. Such data would provide the Department of Corrections with the ability to accurately assess the needs of the inmate population and provide a basis for the development of cost-efficient and effective programs and services for inmates. The charting of this type of information for each person would also help to fashion an individualized prescriptive program to help the person toward release.

Your committee received testimony in support of this concurrent resolution from the Department of Corrections.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 15 and recommends its adoption.

Signed by all members of the Committee except Representative Peters.

SCRep. 1540-90 Human Services on S.C.R. No. 215

The purpose of this concurrent resolution is to request the Department of Public Safety promptly to formulate a plan of action with its staff to address the problems of all disabled and handicapped inmates and to proceed to implement this plan in all correctional institutions.

Your Committee notes that the resolution's content is identical to H.C.R. 316 which was heard and passed out by your Committee (stand. Com. Rpt. No. 1298-90). Your Committee has amended this concurrent resolution to include language from H.C.R. 316 as follows:

- (1) Directed that the Department of Public Safety expeditiously begin formulating a plan of action to address the special identification, intake, program, facility, and management needs of special needs offenders;
- (2) Directed that funding required for development and implementation of the plan of action, including position requests, if any, be included in and funded through the Department of Public Safety's biennial budget as an additional item; and
- (3) Made technical, nonsubstantive amendments for the purposes of style and clarity.

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

Signed by all members of the Committee except Representative Peters.

SCRep. 1541-90 Planning, Energy and Environmental Protection on S.C.R. No. 132

The purpose of this measure is to request the Office of the Legislative Auditor to conduct a study to determine whether the licensure or regulation of industrial environmental protection practitioners as defined by the Environmental Health Association, would be consistent with the policies set forth in section 26H-2, HRS.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of S.C.R. No. 132, S.D. 1, and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1542-90 Planning, Energy and Environmental Protection on S.C.R. No. 97

The purpose of this measure is to express support for the "Great Waikoloa Solar Challenge," an international race comprised of thirty-two solar-powered cars developed by universities and private corporations that is to be held on the Island of Hawaii from June 26 to 30, 1991.

Your Committee has determined that it is essential to support an event that illustrates state-of-the-art photovoltaic technology and may increase student interest in energy science and engineering. There is also a projection that twenty thousand people will visit Hawaii to view the July 11 solar eclipse. This natural phenomenon, coupled with the novelty of a solar vehicle race, represents a significant economic gain for the County of Hawaii.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of S.C.R. No. 97, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1543-90 Planning, Energy and Environmental Protection on S.C.R. No. 1

The purpose of this measure is to encourage the adoption of a nationwide system of labeling uniformity in plastic materials.

Your Committee finds that in 1989, 9,000 pounds of plastic lumber was constructed from used polystyrene, and that other applications for recycled plastic include: carpet yarn; fiberfill for garments, cushions and upholstery; geotextiles for use in roadbeds; automobile parts; non-food containers, and new products which are currently being developed.

Your Committee has determined that in order to facilitate the recycling of plastic, and to foster public awareness of "resource recovery" as opposed to "waste disposal", it is necessary to encourage uniform plastic labeling.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of S.C.R. No. 1, S.D. 2, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1544-90 Planning, Energy and Environmental Protection on S.C.R. No. 219

The purpose of this measure is to request the United States Fish and Wildlife Service to use recovery teams in the development and implementation of recovery plans for endangered and threatened species.

Your Committee has passed an identicle measure which also included the provision that private landowners upon whose land endangered species are found be included in the recovery teams, and has determined that the recovery team approach is a critical method of insuring successful protection of the State's endangered species.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of S.C.R. No. 219, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1545-90 Planning, Energy and Environmental Protection and Ocean and Marine Resources on S.C.R. No. 165

The purpose of this measure is to request that the Office of State Planning conduct a review of the West Hawaii Regional Plan, a study of the land ownership in the area, and assessment of the establishment of a new corporate entity to oversee the plan's implementation.

Your Committees on Planning, Energy and Environmental Protection and Ocean and Marine Resources concur with the intent and purpose of S.C.R. No. 165, S.D. 1, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1546-90 Higher Education and the Arts on S.C.R. No. 149

The purpose of this concurrent resolution is to request a study of the Equal Employment Opportunity/Affirmative Action (EEO/AA) Office of the University of Hawaii by the Legislative Auditor.

Testimony in opposition to the measure was submitted by the University of Hawaii. The University did not feel the study was necessary because it was conducting its own internal review of the EEO/AA Office.

Oral testimony in support of the measure was offered by interested students and faculty members from the University.

The EEO/AA Office has many functions and responsibilities that may interfere with its duty to render fair, unbiased decisions regarding issues that involve discrimination. A study by the Legislative Auditor would help ensure that the purpose and goals of the EEO/AA Office are properly implemented and achieved.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 149, S.D. 1, and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representative Apo.

SCRep. 1547-90 Education on S.C.R. No. 188

The purpose of this concurrent resolution, as received by your Committee, is to request the Legislative Auditor to examine and evaluate Hawaii's School District Advisory Councils to determine whether they are responsive to current educational conditions and changes and suitable to the partnership needs of individual schools, educators, parents, students, and communities in relation to school/community-based management.

Testimony in support of this measure was submitted by the Department of Education and other interested parties.

Because the contents of this measure is substantively similar to the contents of another measure that was heard and passed out earlier by your Committee (Standing Committee Report No. 1274-90), the title and the entire contents of this measure has been deleted and replaced with the title and contents of House Concurrent Resolution No. 166, H.D. 1.

Your Committee on Education concurs with the intent and purpose of S.C.R. No. 188, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as S.C.R. No. 188, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1548-90 Health on S.C.R. No. 242

The purpose of this concurrent resolution is to review the provisions of Chapter 328, Part VI, H.R.S., Generic Drug Product Selection, with specific focus on:

- 1) generic drug substitution provisions for persons with special health needs; and
- 2) dealing with generic product manufacturers whose dealing with the FDA approval process have resulted in improper approval of those products as generically equivalent by the FDA.

Testimony was received from the Department of Health, Legislative Reference Bureau, Epilepsy Foundation of Hawaii and an individual. Legislative Reference Bureau expressed concern as to whether or not they possess the requisite expertise to be able to offer any credible judgements or recommendations regarding the scientific matters required by this concurrent resolution.

Generic drug products provide consumers with a less expensive alternative to brand-name drugs. To consumers who depend on medication on a daily basis, the cost savings from generic drugs can be substantial. These drugs, however, have recently been at the center of controversy. In an attempt to gain Federal Drug Administration approval, some generic drug manufacturers have falsified laboratory test results. Such practices are substantiated by studies that suggest the inferiority of generic drugs to brand-name drugs.

Your Committee after consideration and deliberation concludes that with adequate consultation and assistance from the Department of Health, the Hawaii Medical Association, the Hawaii Medical Service Association, the Epilepsy Foundation and other interested parties the Legislative Reference Bureau can manage to do this study adequately and comprehensively.

Your Committee on Health concurs with the intent and purpose of S.C.R. No. 242, S.D. 1, and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representative Duldulao and Cavasso.

SCRep. 1549-90 Higher Education and the Arts and Ocean and Marine Resources on S.C.R. No. 114

The purpose of this resolution is to request the planning and timely implementation of such plans for the establishment of a Center for Undergraduate Marine Education at the University of Hawaii at Hilo (UH-Hilo).

Your Committees heard testimony in support of this resolution from the University of Hawaii at Hilo Chancellor, whose testimony stated that an undergraduate Marine Education Center at UH-Hilo, and affiliated with the University of Hawaii at Manoa School for Ocean and Earth Science and Technology (SOEST), could provide the hands-on technical and field experience necessary to prepare students for careers in ocean industry or for post-graduate studies at SOEST. A center at

UH-Hilo working in cooperation with SOEST would meet the long-term goals of the University of Hawaii by fostering system-wide cooperation in marine science education and the needed decentralization of the university system.

Your Committees on Higher Education and the Arts and Ocean and Marine Resources are in accord with the intent and purpose of S.C.R. No. 114, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Bybee, Hagino, Hiraki, Isbell and Hemmings.

SCRep. 1550-90 Higher Education and the Arts on S.C.R. No. 152

The purpose of this resolution is to urge the University of Hawaii to establish and implement a timely, appropriate, and effective policy on sexual harassment and equal employment.

Your Committee finds that there is no place in the university system for sexual harassment and sexual discrimination, and that immediate action to resolve these problems is needed.

Your Committee received testimony in favor of the resolution from the University of Hawaii's President, and various faculty and student groups.

Your Committee has amended the concurrent resolution by stipulating in the BE IT RESOLVED clause that the university implement sexual discrimination along with sexual harassment policies. After extensive discussion during the hearing, your Committee has also amended the clause by calling for the policies to be cooperatively agreed upon by all interested parties.

Your Committee has also amended the concurrent resolution by adding an additional BE IT FURTHER RESOLVED clause that will urge the university to make prompt and fair settlement of existing gender-based grievances and cases in hiring, promotion and tenure at the University of Hawaii.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 152, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 152, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representative Apo.

SCRep. 1551-90 Higher Education and the Arts on S.C.R. No. 62

The purpose of this resolution is to request that the Board of Regents include in its 1991-1993 biennium budget a provision for funds to build a Hawaiian language and culture facility at the University of Hawaii at Hilo (UH-Hilo) to house the Hale Kuamo'o Hawaiian Language Center and affiliated Hawaiian language programs.

Your Committee heard testimony from the UH-Hilo Chancellor and the director of Hale Kuamo'o Hawaiian Language Center in support of this resolution.

The testimony submitted from the UH-Hilo Chancellor states that the Hilo campus has already been considering the construction of a facility because of the growth of the Hawaiian program. Hale Kuamo'o is serving schools in all four counties of the State and developing relationships with outer island community colleges working in the field. This growth in the Hale Kuamo'o and its related academic program is occurring at the same time that UH-Hilo is experiencing a severe space shortage due to rapid growth in overall enrollments. Therefore, a construction of a Hawaiian language facility would serve the whole campus in releasing space for other programs.

Your Committee on Higher Education and the Arts is in accord with the intent and purpose of S.C.R. No. 62, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

SCRep. 1552-90 Higher Education and the Arts on S.C.R. No. 148

The purpose of this concurrent resolution is to urge the faculties of the University of Hawaii at Manoa's College of Tropical Agriculture and Human Services and the University of Hawaii at Hilo's College of Agriculture to explore the use of their combined instructional capabilities and resources to offer agriculture-related courses on the island of Hawaii.

Your Committee finds that the faculties of both universities have already successfully established a method of joint planning and implementation for research/extension projects in the cut flower industries on the island of Hawaii. This mode of interaction can also be used to meet the priority needs for instruction on the island of Hawaii.

Your Committee received testimony in favor of the concurrent resolution from the University of Hawaii at Manoa's Dean of the College of Tropical Agriculture and Human Resources.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 148 and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

SCRep. 1553-90 Higher Education and the Arts on S.C.R. No. 143

The purpose of this concurrent resolution is to request that the University of Hawaii develop and implement both a short-term and long-term plan to increase recruitment of qualified women and minorities for faculty positions.

The hiring of more women and minorities for tenured faculty positions at the University of Hawaii will greatly contribute to the diversity of culture and thought that is unique and reflective of the University. It will also enhance the learning experience of the student.

Testimony in support of this measure was submitted by the University of Hawaii. Oral testimony supporting the measure was offered by interested students and faculty members from the University.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 143, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

SCRep. 1554-90 Health and Human Services on S.C.R. No. 127

The purpose of this concurrent resolution is to request the Governor to assemble a Blue Ribbon Panel of health care experts to study and report to the Legislature on the status of Hawaii's health care delivery system.

Your Committees heard testimony in support of this measure from the Department of Health, the Department of Human Services, the State Health Planning and Development Agency, Kapiolani Health Care System, Healthcare Association of Hawaii, the Queen's Medical Center, St. Francis Medical Center, the Hawaii Statewide Health Coordinating Council, and a concerned member of the community. This measure also received support from the International Longshoremen's and Warehousemen's Union, Local 142, who expressed the concern that health care consumers be represented on the panel, and the Hawaii Nurses' Association Collective Bargaining Organization, who suggested that the panel should also address the complexities of health care financing and business.

Your Committees find that the cost of health care is rising faster than the cost of living. For example, Hawaii's largest health care insurer, HMSA has recently announced that it expects to raise its rates for some groups by an average of 12 to 14 per cent.

Hawaii's health care facilities have regularly asserted that there is a disparity between Medicare and Medicaid payments and the actual cost of services, and have requested state subsidies to alleviate these shortfalls. Hawaii's health care facilities regularly seek the benefits of state-issued special purpose revenue bonds, as well as other government benefits to reduce their operating costs.

Health care is one of the major sectors of the State's economy, and a full understanding of the financial and economic dynamics of the health care business is essential if this State is to effectively and responsibly hold down the cost of health care to consumers.

Acknowledged shortage of long-term care beds and the severe shortage of health care professionals in Hawaii restricts the availability of appropriate care for many island residents.

The myriad of problems facing the health care delivery system in Hawaii impact on the business community, the visitor industry, government, and consumers, and poses a threat to the continued delivery of affordable health care in the islands.

Other states are beginning to utilize more aggressive tactics in reducing health care costs, including:

- (1) Wisconsin's savings of \$10,000,000 annually and West Virginia's savings of \$8,000,000, through preferred provider networks;
- (2) Ohio's efforts to purchase children's vaccines directly from the Centers for Disease Control in Atlanta, Georgia, rather than reimbursing doctors at open-market prices; and
- (3) The mandate to competitively bid various services, including the provision of laboratory services, oxygen, wheelchairs, home care services, and prescription drugs.

Many questions on the costs of health care remain unanswered, some of which are:

- (1) How does the use of special purpose revenue bonds as a financial benefit to the health care industry compare with additional Medicaid reimbursements, tax benefits, subsidies, or other strategies to assist the industry and reduce health care costs;
- (2) What is the overall financial health of the larger holding companies and for-profit "arms" associated with hospitals and long-term care facilities in the State; what is the revenue and expense picture of these health care delivery systems; and how are funds, project revenues, and expenses shifted from one corporate "arm" to another;

- (3) How does competition for "business" between health care delivery systems and their corporate relatives directly or indirectly affect the referral of patients to services that bring in greater revenues and impact on the cost of health insurance and health care; and
- (4) What differences are there, if any, between the business of health care delivery as practiced by state-operated community hospitals and private-sector hospitals.

Your Committees recommend that the panel place special emphasis on utilizing the data already generated in previous studies, gathering other pertinent information, and pursuing the following goals:

- (1) To understand how Hawaii's health care businesses make money, lose money, finance their operations, and transfer costs to consumers;
- (2) To understand the true problems inherent in federal programs such as Medicare and Medicaid, and to understand their impacts on the financial well-being of health care delivery systems;
- (3) To understand the difference between a long-term care business, an acute hospital business, a primary care business, a health maintenance organization, and outreach efforts, in terms of how each kind of health care delivery business attempts to survive and prosper;
- (4) To determine the effectiveness and advisability of utilizing specific mechanisms to control the cost of health care by:
 - (A) Regulating health insurance;
 - (B) Regulating facility costs;
 - (C) Using mechanisms such as the cooperative purchasing of vaccines and competitive bidding to procure services and equipment; or
 - (D) Utilizing any combination of these and other strategies.

Your Committees have amended this resolution by adding the Hawaii Nurses' Association to the list of organizations which will be included on the Blue Ribbon Panel.

Your Committees on Health and Human Services concur with the intent and purpose of S.C.R. No. 127, S.D. 1, as amended herein, and recommends 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.

SCRep. 1555-90 Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs on S.C.R. No. 138

The purpose of this measure is to request the United States Senate to ratify the Articles of the Convention on Conservation of Nature in the South Pacific, also known as the Apia Convention.

Your Committees have passed out a nearly identical House Concurrent Resolution, No. 286, that has the same objective. Your Committees completely support the adoption and implementation of the Convention, and believe that ratification will be useful in safeguarding natural ecosystems in the Pacific area.

Your Committees have amended this resolution by deleting the honorable Spark M. Matsunaga's name from the measure.

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. 138, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 138, H.D. 1.

Signed by all members of the Committees.

SCRep. 1556-90 Transportation and Intergovernmental Relations and International Affairs on S.C.R. No. 236

The purpose of this concurrent resolution is to petition the United States Congress to remove the Highway Trust Fund from the Unified Federal Budget and to protect this fund from non-transportation related projects and programs. This concurrent resolution also requests the United States Congress to repay funds which have been borrowed from the trust fund and that the moneys within the Highway Trust Fund be released to the States for highway projects.

Your Committees received testimony from the Department of Transportation.

Your Committees find that the Federal Highway Trust Fund was initiated for the specific purpose of financing highway projects. However, your Committees find that the non-apportioned funds and the withheld interest in the Highway Trust Fund have been borrowed for non-highway related purposes. Your Committees also find that the Highway Trust Fund has been made a part of the Unified Federal Budget, thereby subjecting it to arbitrary expenditure ceilings for the purpose of reducing the national deficit, despite the fact that Trust Fund expenditures do not contribute to the federal deficit. Your Committees further find that the imposition of this ceiling has resulted in the accumulation of \$9 billion in

unapportioned highway funds. Your Committees agree that these funds should be released to the states to finance state highway projects.

Your Committees have made nonsubstantive changes for purposes of style and clarity.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 236, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 236, H.D. 1.

Signed by all members of the Committees.

SCRep. 1557-90 Intergovernmental Relations and International Affairs on S.C.R. No. 139

The purpose of this concurrent resolution is to encourage the City and County of Honolulu and Hawaiian Telephone Company to cooperatively upgrade and improve the existing 911 emergency system.

Your Committee finds that 911 is a vital service which the people of Honolulu rely on in times of emergency. However, because of an overloading of the 911 system, the primary and auxiliary systems have failed repeatedly in recent months.

This concurrent resolution would urge that the 911 system be improved to handle the increased volume of calls; that the amount of non-emergency, public information-access phone numbers be increased to reduce the strain on the 911 system; and that the public be better informed on the proper usage of the 911 system.

The proper functioning of the 911 system is critical ensure public safety and the ability of fire, police, and ambulance units to respond to emergencies.

Your Committee received favorable testimony from GTE Hawaiian Telephone Company.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of S.C.R. No. 139 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1558-90 Intergovernmental Relations and International Affairs on S.C.R. No. 158

The purpose of this concurrent resolution is to request Hawaii's congressional delegation to take all appropriate steps to ensure that the United States Department of the Navy exercise its authority to enable CSC-Pan Am to provide job security for the present work force at the Pacific Missile Range Facility at Barking Sands.

Your Committee finds that the Pacific Missile Range Facility is the largest single private employer on Kauai, currently employing 450 workers for security service, fire protection, air field and radar support, building maintenance and trash collection for the base facility.

Testimony indicated the current government contractor, Computer Sciences Corporation (CSC)-Pan Am, obtained the PMRF contract from the U.S. Department of the Navy in October, 1988 following a series of union circumstances. In April, 1989, CSC- Pan Am eliminated 29 full-time positions, an action which was accomplished amicably through a generous voluntary termination program agreed to by Local 1260 (the International Brotherhood of Electrical Workers, IBEW).

Most recently, however, CSC-Pan Am has announced the lay off of 29 additional employees, all of whom are local workers with ten years of service or more, to be effective April 27, 1990. After several weeks of ultimately fruitless negotiations with Local 1260, the contractor has not offered the same voluntary termination package.

Because of this latest action, your Committee recognizes that this concurrent resolution has taken on a new urgency. Your Committee is deeply concerned about the adverse effects of this action, particularly on the west side of Kauai, where alternate employment opportunities are not available. Therefore, in the interests of expediency, your Committee has not incorporated this most recent information into the concurrent resolution.

CSC-Pan Am contends that the U.S. Department of the Navy has the authority to award additionally a process called IDIQ (Indefinite Delivery, Indefinite Quantity), which, if granted, would enable the contractor to retain the present work force on a full-time basis, and it is especially crucial at this time that Hawaii's Congressional Delegation obtain the assistance and cooperation of the U.S. Department of the Navy in protecting the job security of employees at PMRF.

Your Committee heard moving testimony presented in support of this measure by members of ibew Local 1260.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of S.C.R. No. 158, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1559-90 Economic Development and Hawaiian Affairs on S.C.R. No. 116

The purpose of this Senate Concurrent Resolution is to request the Hawaiian Homes Commission and the Department of Hawaiian Home Lands to formulate plans to develop and establish housing projects on Hawaiian Home Lands for elderly native Hawaiians.

In addition, they are to submit their findings and recommendations to the Legislature twenty days prior to the convening of the 1991 legislative session.

Your Committee finds that there is a need for additional housing for elderly native Hawaiians and that a master plan for the development of such housing projects should be created to ensure that this problem is examined and addressed.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of S.C.R. No. 116 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1560-90 Economic Development and Hawaiian Affairs and Intergovernmental Relations and International Affairs on S.C.R. No. 64

The purpose of this concurrent resolution is to request the United States Congress to enact legislation making the United States government an equal partner with the Hawaiian Homes Commission in building homes for native Hawaiians and in developing Hawaiian communities throughout the State.

The Department of Hawaiian Home Lands testified in support of this concurrent resolution. They noted that if the vision and potential of the Hawaiian home lands program is to become a reality, substantial resources are needed.

The Federal-State Task Force on the Hawaiian Homes Commission Act recommended in its 1983 report that the State and the federal government each contribute \$125 million to finance the Department of Hawaiian Home Lands' development program over a five-year period. While the State has since contributed over \$100 million to this goal, the federal government has contributed less than \$2 million. In addition to increased funding, the federal government can also offer technical assistance to the Department of Hawaiian Home Lands in its development tasks.

Your Committees on Economic Development and Hawaiian Affairs and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 64 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1561-90 Intergovernmental Relations and International Affairs and Human Services on S.C.R. No. 142

The purpose of this concurrent resolution is to urge U.S. President George Bush to attend the World Summit for Children convention scheduled for September 1990, and to introduce international goals to reduce child mortality and poverty.

Your Committees find that children worldwide live in poverty, illiteracy, malnutrition, and pestilence, resulting in the deaths of thousands of children each year. Your Committees find that such conditions could be remedied by a consensus of world leaders to solve this problem and that to allow such distressing conditions to persist is intolerable.

This concurrent resolution urges that the President of the United States attend this United Nations' summit, stressing that his prestige is critical to the success of this summit in influencing world leaders to accept higher humanitarian standards to assist children worldwide. This summit would elevate the importance of the safety and welfare of children on the domestic and international agenda, encouraging leaders worldwide to reshape political priorities to focus on children.

Your Committees received favorable written testimony from Results, an international lobby group.

Your Committees on Intergovernmental Relations and International Affairs and Human Services concur with the intent and purpose of S.C.R. No. 142 and recommend its adoption.

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

SCRep. 1562-90 Intergovernmental Relations and International Affairs on S.C.R. No. 47

The purpose of this concurrent resolution is to urge state governments of the United States to seek ways to assist Western Samoa and American Samoa to recover from the long-term effects of Hurricane Ofa.

Your Committee finds that Western and American Samoa were devastated by Hurricane Ofa on February 4, 1990. The damage was so extensive that much of these islands' infrastructure was destroyed, resulting in damages in excess of \$100 million, the destruction of 4000 homes, the loss of ninety-five percent of all agricultural crops, numerous casualties, and eight deaths.

Your Committee commends the timely humanitarian aid on the part of Hawaii and the United States to the courageous people of Western and American Samoa. However, your Committee finds that pressing, long-term problems of the hurricane persist. Particularly important is the need for financial assistance in the rebuilding of the infrastructure and the replanting of important staple crops.

Your Committee also learned from testimonies presented on this measure that the hurricane has created a severe lack of potable drinking water. This combined with the elimination of staple crops, has created a potential health emergency that has been exacerbated by the lack of adequate medical care, facilities, and supplies.

Your Committee also heard favorable testimony of the concurrent resolution from the representative of Western Samoa and the Kingdom of Tonga, and from the Department of Business and Economic Development.

This concurrent resolution seeks action from state governments of the United States through the executive committees of the Western Legislative Conference, the Western Governor's Association, and the National Conference of State Legislatures.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of S.C.R. No. 47, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1563-90 Finance on S.C.R. No. 78

The purpose of this concurrent resolution is to request the Department of Taxation to provide information concerning the amount of general excise tax revenue attributable to:

- (1) Intermediary purchases of goods and services;
- (2) Intermediary positions in multiple-lease transactions;
- (3) Residential real property; and
- (4) Exported and imported services.

Your Committee finds that this information would increase the precision of estimates of state revenues generated from such transactions. It would also assist citizens in making decisions concerning the general excise tax.

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

Signed by all members of the Committee.

SCRep. 1564-90 Finance on S.C.R. No. 57

The purpose of this concurrent resolution is to request the Department of Accounting and General Services to determine the location and approximate cost of constructing and maintaining a multipurpose center on the Waianae coast to serve the residents of Waianae, Nanakuli, Maili, and Makaha.

Your Committee finds that the lack of a proper facility to accommodate social, informational, and educational gatherings on the Waianae Coast has caused difficulties for the people of the Leeward district, who must travel to other parts of Oahu to participate in such events. The installation of a multipurpose center on the Waianae Coast would alleviate these difficulties and would also facilitate a convenient nucleus for community organizations.

Your Committee on Finance is in accord with the intent and purpose of S.C.R. No. 57, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1565-90 Finance on S.C.R. No. 79

The purpose of this concurrent resolution is to request the Department of Taxation and the Department of Business and Economic Development to investigate whether the taxation of services should be treated similarly to goods with respect to general excise and use taxes.

Your Committee finds that disparity exists with regard to the manner in which goods and services are taxed in the State. While goods imported into the State are subject to the general excise tax, services performed out-of-state and sold to a purchaser in the State are exempt from the four per cent use tax.

On the other hand, your Committee also recognizes that attempts to raise revenues in a fair and reasonable manner may inadvertently result in the enactment of more complicated tax laws. These issues need to be examined more closely before legislation is considered.

Your Committee on Finance is in accord with the intent and purpose of S.C.R. No. 79 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1566-90 Judiciary on S.C.R. No. 169

The purpose of this resolution is to request that the Legislative Auditor conduct a study to determine:

- (1) The extent of administrative adjudication in the State of Hawaii;
- (2) Whether the efficiency of the administrative law system would be increased by placing all hearing officers into a separate state office;
- (3) Whether the placement of all hearing officers in a separate office would promote the appearance of impartiality in decision-making;
- (4) If a separate state office of hearing officers would be beneficial, a proposed plan of organization; and
- (5) Whether there are other more efficient and less costly measures to promote the efficiency, impartiality, and fairness of administrative adjudication process.

Your Committee received testimony in support of this resolution from the Committee on Welfare Concerns and the Department of Commerce and Consumer Affairs in support of this resolution.

Your Committee on Judiciary is in accord with the intent and purpose of S.C.R. No. 169, S.D. 1, and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Cachola, Hayes, Hiraki, Peters and Cavasso.

SCRep. 1567-90 Judiciary on S.C.R. No. 227

The purpose of this resolution is to request that the Legislative Reference Bureau conduct a study on the impact of a ban on firearms in Hawaii in reducing the incidences of violent crime and accidental shootings.

Your Committee received testimony on this resolution from interested members of the public.

Your Committee on Judiciary is in accord with the intent and purpose of S.C.R. No. 227, S.D. 1, and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Cachola, Hayes, Hiraki, Peters and Cavasso.

SCRep. 1568-90 Judiciary on S.C.R. No. 240 (Majority)

The purpose of this resolution is to request that the Legislative Reference Bureau conduct a study on the feasibility of developing and promoting a pari-mutuel horse racing industry in Hawaii, and include in that study a review and report on the experience of other states and the federal government in the development and regulation of pari-mutuel horse racing.

Your Committee received testimony on this resolution from the Honolulu Police Department and an interested member of the public.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 240 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Cachola, Hayes, Hiraki, Peters and Cavasso. (Representative Shon did not concur.)

SCRep. 1569-90 Water and Land Use on S.C.R. No. 150

The purpose of this concurrent resolution is to determine whether the rules allowing construction of dwellings within conservation districts violate, or are inconsistent with, the statutory law under which they were adopted.

Your Committee finds that because of the size of single-family residences which are proposed on conservation lands at Hawea Point, Maui, and Olomana, Oahu, the intended use of these proposed residences has come into question. Because single-family residences do not require an environmental impact statement, these owners are alleged to have disguised their proposed projects as residential to gain approval for construction. Concerns have also been raised about the adequacy of the rules regulating conservation district land use. A legislative audit would serve to resolve these issues.

Your Committee on Water and Land Use concurs with the intent and purpose of S.C.R. No. 150, and recommend its adoption.

Signed by all members of the Committee except Representatives Hashimoto and Kanoho.

SCRep. 1570-90 Water and Land Use on H.R. No. 7

The purpose of this resolution is to comply with the requirements of Section 171-50(c), Hawaii Revised Statutes (HRS), relating to legislative review of any exchange of public land for private land. This statute requires the Department of Land and Natural Resources to submit for introduction to the Legislature a resolution for review of action on any

exchange. All exchanges of public land for private land shall be subject to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both in any regular session following the date of exchange.

This particular resolution involves land in Waiahole Valley in Windward Oahu, controlled by the Housing Finance and Development Corporation (HFDC) and Mrs. Frances Keanu, a private landowner. The purpose of this exchange is to satisfy an out-of-court settlement to clear the title of certain properties in Waiahole Valley. The exchange will also result in a consolidation of holdings of other HFDC lands, and will enable the HFDC to proceed with the completion of the Waiahole Valley Agricultural Park and Residential Lots subdivision project. Under this land exchange, HFDC would convey to Mrs. Frances Keanu a total of 15,523 square feet of land in exchange for private lands of equal size.

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

- (1) Re-titled the resolution to reflect approval of the land exchange; and
- (2) Re-phrased the BE IT RESOLVED clause to also reflect approval of the land exchange.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 7, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 7, H.D. 1.

Signed by all members of the Committee.

SCRep. 1571-90 Water and Land Use on H.R. No. 8

The purpose of this resolution is to comply with the requirements of Section 171-50(c), Hawaii Revised Statutes (HRS), relating to legislative review of any exchange of public land for private land. This statute requires the Department of Land and Natural Resources to submit for introduction to the Legislature a resolution for review of action on any exchange. All exchanges of public land for private land shall be subject to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both in any regular session following the date of exchange.

This particular resolution involves land in Waiahole Valley in Windward Oahu, controlled by the Housing Finance and Development Corporation (HFDC) and Mr. Louis G. Collins, Jr., a private landowner. The purpose of this exchange is to satisfy an out-of-court settlement to clear the title of certain properties in Waiahole Valley. The exchange will also result in a consolidation of holdings of other HFDC lands, and will enable the HFDC to proceed with the completion of the Waiahole Valley Agricultural Park and Residential Lots subdivision project.

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

- (1) Re-titled the resolution to reflect approval of the land exchange; and
- (2) Re-phrased the BE IT RESOLVED clause to also reflect approval of the land exchange.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 8, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 8, H.D. 1.

Signed by all members of the Committee.

SCRep. 1572-90 Water and Land Use and Tourism on S.C.R. No. 141

The purpose of this concurrent resolution is to enhance freshwater fishing in Hawaii and thereby attract tourists to Hawaii through the introduction of Florida largemouth bass. This resolution requests that the Department of Land and Natural Resources (DLNR) study the feasibility of stocking this bass into the Wahiawa and Nuuanu Reservoirs for sport fishing purposes.

Your Committees find that the focus of the resolution should be shifted from the stocking of the Wahiawa and Nuuanu Reservoirs to the Department of Agriculture's (DOA) approval of Westin Kauai's proposal to introduce the largemouth bass to its freshwater lagoons for research purposes. Accordingly, your Committee has amended this concurrent resolution by:

- (1) Replacing the language in the title and the BE IT RESOLVED clause to reflect the shift in emphasis to Westin Kauai's proposal;
- (2) Adding language to clarify the nature of Westin Kauai's proposal and its potential application to State Public Fishing Areas;
- (3) Directing DLNR to apply the findings of Westin Kauai's experience toward its evaluation of possibly stocking the Wahiawa and Nuuanu Reservoirs with largemouth bass;
- (4) Involving the Animal Species Advisory Commission in this issue; and
- (5) Requesting a status report on the Westin Kauai study.

Your Committees on Water and Land Use and Tourism concur with the intent and purpose of S.C.R. No. 141, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 141, S.D. 1, H.D. 1.

Signed by all members of the Committees.

SCRep. 1573-90 Water and Land Use on S.C.R. No. 245

The purpose of this concurrent resolution is to maintain the residential atmosphere in Manoa Valley on Oahu as much as possible by ensuring that any proposed major renovations at Paradise Park are consistent with the uses allowed in the original Conservation District Use Permit that was issued in 1966. This concurrent resolution requests the Department of Land and Natural Resources (DLNR) and the Attorney General to investigate and determine the appropriateness and legality of this matter.

Paradise Park is a privately-owned, for-profit entity located in the upper reaches of Manoa Valley on lands classified in the Conservation District. Recently, Paradise Park initiated proceedings for a \$5 million renovation that will include the installation of an animated dinosaur exhibit.

Concerned that the exhibit will generate increased traffic on the narrow roadways in upper Manoa Valley, some residents believe that the proposed renovation is inconsistent with the allowable uses granted under the 1966 permit. They believe that the proposed development constitutes a significant change from the uses allowed in the original permit and introduces new uses to the land that were never contemplated. Nevertheless, in January, 1990, the DLNR concluded that the proposed renovations were consistent with Paradise Park's Conceptual Master Plan, and, therefore, no new public hearings were required.

Your Committee finds that there has been a serious curtailment of public input on this entire matter especially because no public hearing has ever been held on any of the proposed commercial uses. Your Committee further finds that the concerns expressed by Manoa residents are legitimate and need to be addressed.

Upon further consideration, your Committee has amended this concurrent resolution by inserting the Director of the Department of Land Utilization into the last BE IT FURTHER RESOLVED clause as one of the parties to received a copy of this concurrent resolution.

Your Committee on Water and Land Use concurs with the intent and purpose of S.C.R. No. 245, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 245, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1574-90 Water and Land Use on S.C.R. No. 216

The purpose of this concurrent resolution is to return the Federal-controlled lands of Makua Valley to the people of Hawaii. This measure calls for:

- (1) An assessment of the feasibility of establishing a State park in Makua Valley on State lands currently leased to the U.S. Army;
- (2) The Governor to notify the Federal Government of potential non-renewal of lease or earlier termination than the lease term expiring on August 16, 2029, because of park development consideration; and
- (3) The Governor to request that the U.S. Army prepare a master plan for the restoration of the Valley to its natural condition.

Your Committee received testimony from the Department of Land and Natural Resources in opposition to this concurrent resolution on the grounds that it appears premature for such an undertaking.

Upon further consideration, your Committee finds that it would be more appropriate for the State to request that the Federal Government relinquish control of Makua Valley rather than request for a feasibility study. Accordingly, your Committee has amended this concurrent resolution as follows:

- (1) By changing the focus of the resolution from a study on the feasibility of establishing a state park at Makua Valley to a request that the Federal Government relinquish its use of the valley; in this regard, both the title and the BE IT RESOLVED clause have been amended; and
- (2) By deleting language that refers to plans with regard to the expected termination of the lease in 2029, when the valley would be returned to the State.

Your Committee on Water and Land Use concurs with the intent and purpose of S.C.R. No. 216, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 216, H.D. 1.

Signed by all members of the Committee.

SCRep. 1575-90 Consumer Protection and Commerce on S.C.R. No. 100

The purpose of this resolution is to request that the Department of Commerce and Consumer Affairs (DCCA), in cooperation with the Association of Realtors (Association), the Real Estate Commission (Commission), and the Institute of Real Estate Managers (Institute) study the issues and ramifications of implementing mandatory errors and omissions insurance coverage for real estate salespersons, brokers, managers, and agencies.

Your Committee believes in order to take further legislative action addressing the issue of high-cost or non-existent errors and omissions coverage for real estate personnel, the results of the study must be considered and reviewed to provide for the effective protection of the public in real estate transactions.

Your Committee has amended this resolution to request that the Hawaii Association of Realtors to submit the report to the legislators rather than the DCCA. This change was made to mirror the language in a similar resolution, HCR 120, in order to have the same entity complete the study.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.C.R. No. 100, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 100, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1576-90 Housing on S.C.R. No. 225

The purpose of this concurrent resolution is to request the Housing Finance and Development Corporation to conduct a feasibility study on the State's acquisition of the Queen Emma Gardens and other similar apartment complexes, in cooperation with the Hawaii Housing Authority and the Department of the Attorney General.

Your Committee heard testimony from the Housing Finance and Development Corporation (HFDC), that the City and County of Honolulu is already moving forward with the possible acquisition of the Queen Emma Garden project, and therefore would be a more appropriate agency to take the lead in conducting a feasibility study on the acquisition. The Hawaii Housing Authority concurred with the HFDC's position. Supporting testimony for the basic concept of the resolution was received from the Queen Emma Gardens Tenants' Association, although certain reservations were expressed about the concurrent resolution as drafted.

Your Committee finds that the city has a vested interest in the Queen Emma project because it was built under the Urban Renewal Act. Under the provisions of the Urban Renewal Act, the developer is entitled to only limited return on investment until 1996, regardless of the sales price. The remainder of the sales proceeds would revert to the Honolulu Redevelopment Agency of the City and County of Honolulu. Because the city is entitled to any reversionary moneys due, your Committee concurs that if the Queen Emma project is acquired, the city should take the lead.

The HFDC also testified that it is in support of and is willing to conduct a feasibility study on the acquisition of "similar types of apartment complexes"; however, this broad term should be clarified.

Based on the foregoing recommendations, your Committee has made the following major amendments to S.C.R. 225, S.D.1, as follows:

- (1) By requesting that the City and County of Honolulu continues to proceed with taking steps necessary to acquire the Queen Emma Gardens Apartment complex;
- (2) By clarifying that the HFDC shall conduct a separate study which shall focus on projects which are currently subsidized by the federal government under such programs as the HUD Section 8 New Construction, and Sections 202, 221(d)(3) and 236 programs. Your Committee finds that many of these rental housing units may be lost from the affordable rental stock as a result of mortgage pre-payments and the expiration of subsidy contracts within the next 10 years, and that a feasibility study on the acquisition of these projects is needed; and
- (3) By amending the title of the concurrent resolution to read: "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO PROCEED WITH STEPS NECESSARY TO ACQUIRE THE QUEEN EMMA GARDENS APARTMENT PROJECT, AND REQUESTING THE HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CONDUCT A FEASIBILITY STUDY ON THE ACQUISITION OF FEDERALLY-SUBSIDIZED RENTAL HOUSING PROJECTS."

Your Committee on Housing concurs with the intent and purpose of S.C.R. No. 225, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 225, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives M. Ige, Leong, Shon, Tam, Cavasso and Liu.

SCRep. 1577-90 Water and Land Use on H.R. No. 127

The purpose of this resolution is to ensure the future development of Hawaii as a major sports center by resolving questions regarding Aloha Stadium. This resolution requests the Governor to convene a high-level task force to resolve key issues about the future of Aloha Stadium, including whether to repair the rusting stadium or to build a new facility.

Your Committee finds that Aloha Stadium, which cost \$32 million to construct in 1975, is at a crossroads. Due to the pre-planned rusting process which has accelerated beyond estimates, it has been estimated that it would now cost over \$75

million to repair and reinforce the stadium. One option available to the State is to spend over \$150 million to construct an entirely new facility.

Your Committee has amended this resolution by directing the task force to develop recommendations on policy questions relating to the repair or replacement of the stadium.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 127, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 127, H.D. 1.

Signed by all members of the Committee.

SCRep. 1578-90 Water and Land Use on H.R. No. 63

The purpose of this resolution is to protect the public health by controlling the spread of certain diseases that can be transmitted by birds in Waikiki, Oahu. This resolution seeks to achieve this objective in a more humane manner than the current reliance on poisons by requesting the Department of Land and Natural Resources (DLNR) to conduct a five-year pilot project using a chemical, Ornitrol, which reduces the fertility in birds.

Your Committee received testimony from the Department of Land and Natural Resources, the Hawaiian Humane Society, and the Hawaii Hotel Association.

Your Committee finds that Ornitrol has not proven to be as effective as commonly thought, according to certain studies. In addition, Ornitrol is not a solution to site specific public health problems, because it will not eliminate or frighten away problem birds. Finally, it is restricted for use solely on pigeons and requires continual treatment.

As an alternative, your Committee finds that a common sense approach to bird control is through a method known as "bird proofing" which involves four techniques of control: physical exclusion, repellents, sterilization, and cultural methods.

Upon further consideration, your Committee has amended this resolution by:

- (1) Requesting the Department of Land and Natural Resources to prepare an action plan by 1991;
- (2) Deleting language in certain WHEREAS clauses that justified the use of Ornitrol as an effective tool that can control the bird population through sterility among birds;
- (3) Inserting language that calls for the use of the strategy of "bird proofing" as an effective alternative;
- (4) Requesting the development of a strong educational component as part of the overall effort; and
- (5) Making certain typographic and stylistic amendments.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 63, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 63, H.D. 1.

Signed by all members of the Committee.

SCRep. 1579-90 Water and Land Use on S.C.R. No. 121

The purpose of this concurrent resolution is to extend the limited hunting opportunities which now exist in the State by requesting the Department of Land and Natural Resources (DLNR) implement a permanent Black Powder Hunting Program.

Your Committee finds that the pilot Black Powder Hunting Program conducted on Lanai was very successful and that a permanent program would enhance the State's limited hunting opportunities. This pilot program was requested by Senate Resolution No. 161, 1989.

Your Committee on Water and Land Use concurs with the intent and purpose of S.C.R. No. 121, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1580-90 Water and Land Use on S.C.R. No. 228

The purpose of this concurrent resolution is to ensure that certain residents on Auwaiolimu Street and Puowaina Drive in Honolulu may reside safely on the State lands they have leased for many years. This concurrent resolution requests the Department of Land and Natural Resources (DLNR) to determine the feasibility of granting long-term leases to these residents holding revocable State permits.

Your Committee finds that several parcels of State land, located on the mauka slopes of Punchbowl and presently held under revocable permits, are being used as residences. The problem is that residents living on these parcels have been unable to negotiate bank loans for home improvements because of their uncertain land tenure. Accordingly, their homes are deteriorating and becoming less habitable.

The Department of Land and Natural Resources testified that present law provides for the disposition of public lands for personal residence purposes by: sale in fee simple or lease at public auction; or sale or lease of lots by drawing. The Department recommended that if the Legislature desires to accommodate all permittees statewide (approximately 50 residential permits) with long term leases, the appropriate vehicle is legislation similar to Act 237, Session Laws of Hawaii 1988.

Your Committee sympathizes with the plight of the affected residents and assures them of its commitment to resolve this issue. Your Committee also urges the Department of Land and Natural Resources to:

- (1) Conduct a review of how similar State land issues have been resolved; and
- (2) Propose legislation to address this issue.

Your Committee on Water and Land Use concurs with the intent and purpose of S.C.R. No. 228, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1581-90 Water and Land Use and Judiciary on H.R. No. 271

The purpose of this resolution is to request the Department of Land and Natural Resources and the Attorney General to thoroughly investigate and determine the appropriateness of proposed major renovations at Paradise Park.

Your Committees received testimony in favor of this resolution from the Manoa Neighborhood Board, and testimony against from the Department of Land and Natural Resources and Paradise Park, Inc.

Paradise Park is a privately-owned, for-profit entity located in the upper reaches of residential Manoa Valley, Oahu, on lands classified as Conservation District. It currently operates with a Conservation District Use Permit which was issued by the Department of Land and Natural Resources on March 11, 1966 at a meeting on Kauai.

Manoa residents are concerned that the Park's proposed \$5 million renovation, including an animated dinosaur exhibit, are inconsistent with the allowable uses granted under the 1966 permit. However, the Department of Land and Natural Resources concluded in January 1990 that the proposed renovations are consistent with Park's Conceptual Master Plan approved in 1966, and thus no new public hearings are required.

Moreover, major concerns have been raised by Manoa residents regarding the appropriateness of allowing an exhibit that will generate increased traffic on the narrow, over-crowded roadways of upper Manoa Valley.

Your Committees find that there has been a serious curtailment of the public's opportunity to submit comments and concerns on the entire issue of Paradise Park's use of conservation lands. Your Committees also find that the concerns expressed by residents of Manoa Valley are legitimate and need to be addressed.

Therefore, your Committees have amended the resolution to add language requesting the Board of Land and Natural Resources to conduct an informational public meeting in Manoa Valley on Paradise Park's proposed renovations.

Your Committees have also made technical, non-substantive revisions for the purposes of clarity and style.

Your Committees on Water and Land Use and Judiciary concur with the intent and purpose of H.R. No. 271, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 271, H.D. 1.

Signed by all members of the Committees.

SCRep. 1582-90 Water and Land Use; Health; and Intergovernmental Relations and International Affairs on S.C.R. No. 44

The purpose of this concurrent resolution is to assess the problems associated with roof water catchment systems by encouraging the counties to establish water cistern advisory committees to study these problems.

Roof catchment systems have resulted in creating drinking water of questionable safety, and are subject to contamination. Legislative inquiries have been made into the safety of such systems in the past.

The advisory committees would review research, evaluate building materials, revise county codes, develop criteria for rainwater catchment and storage systems, disseminate technical information to the public, and address other water cistern problems.

Your Committees on Water and Land Use and Health and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 44 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1583-90 Water and Land Use and Agriculture on S.C.R. No. 35

The purpose of this concurrent resolution is to prompt a land exchange to allow the creation of an agricultural park in Kona, on the island of Hawaii.

This concurrent resolution urges the Department of Land and Natural Resources (DLNR) to negotiate with the Bishop Estate the exchange of approximately 3500 acres of leasehold lands for state lands. If enacted, the tenant farmers on the Bishop Estate lands would become tenant farmers on state land. This state land would be designated as an agricultural park, thus securing tenure for the farmers and providing a better economic climate for them.

Your Committees on Water and Land Use and Agriculture concur with the intent and purpose of S.C.R. No. 35, S.D. 1, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1584-90 Water and Land Use and Intergovernmental Relations and International Affairs on S.C.R. No. 23

The purpose of this concurrent resolution is to urge the federal government to develop and administer federal environmental laws and regulations to honor the rights and laws of western states and island governments and adhere to the federal government's water laws as well as interstate compacts and court decrees.

Your Committees find that federal budget constraints have increased while financial support for water development and protection has decreased. Thus the federal government is focusing greater efforts on expanding its regulatory powers. This has resulted in stifling the state and local government interest in water projects and the need for relief from over-regulation by the federal government.

Your Committees on Water and Land Use and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 23, and recommend its adoption.

Signed by all members of the Committees except Representative Hemmings.

SCRep. 1585-90 Legislative Management on S.C.R. No. 169

The purpose of this concurrent resolution is to request that the Legislative Auditor conduct a study to determine:

- (1) The extent of administrative adjudication in the State of Hawaii;
- (2) Whether the efficiency of the administrative law system would be increased by placing all hearing officers into a separate state office;
- (3) Whether the placement of all hearing officers in a separate office would promote the appearance of impartiality in decision-making;
- (4) If a separate state office of hearing officers would be beneficial, a proposed plan of organization; and
- (5) Whether there are other more efficient and less costly measures to promote the efficiency, impartiality, and fairness of administrative adjudication process.

Your Committee received testimony from the Department of Attorney General, the Department of Commerce and Consumer Affairs and the Committee on Welfare Concerns.

Your Committee on Legislative Management 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.

SCRep. 1586-90 Legislative Management on S.C.R. No. 51

The purpose of this concurrent resolution is to request the Legislative Auditor to examine the administrative procedures by which ceded lands are valued and by which the native Hawaiian beneficiary programs' share of the income from ceded lands and cultivated sugar cane lands leased by the State is transferred. The Auditor's findings and recommendations will be submitted to the 1991 Legislature.

The State Constitution provides that the Department of Hawaiian Home Lands (DHHL) shall receive thirty percent of the income derived from the cultivation of sugar cane on leased State lands or from the disposition of these lands, and that the Office of Hawaiian Affairs (OHA) shall receive a portion of the income derived from the State's ceded lands. However, no mechanism currently exists to ensure a fair valuation of ceded lands which are disposed of to another state agency, since this is usually occurs through a land exchange. Nor does any mechanism exist to ensure that state agencies transmit the appropriate revenue entitlements to DHHL or OHA when ceded lands or cultivated sugar cane lands are disposed of.

Testimony in support of this concurrent resolution was submitted by the Department of Hawaiian Home Lands and the Department of Land and Natural Resources. On the other hand, the Office of State Planning (OSP) supported the purpose and intent of this resolution, but informed this committee that it is planning to examine the review existing policies, practices and procedures for the utilization and disposition of lands which comprise the public land trust. The

OSP is conducting this review in anticipation of the passage of H.B. 2896, HD 3, SD 2, which mandates the OSP to evaluate the effect of these policies on the revenue stream of the Office of Hawaiian Affairs (OHA). Accordingly, it suggests possible deferral of action on SCR 51, SD1. In the alternative, it suggests amending SCR 51 to direct the legislative auditor to coordinate with the OSP.

Your Committee believes that the most prudent course would be to direct that the legislative auditor coordinate its review and evaluation of the procedures and mechanisms affecting Hawaiian beneficiary programs with the activities of the OSP, if HB 2896 is ultimately enacted. With the inclusion of the request to examine the effect of these procedures and mechanism on the Department of Hawaiian Home Lands in this resolution, SCR 51 requests the legislative auditor to cover more ground than that being targeted in H.B. 2896. Furthermore, the issues are complex and may require commitment of more resources to a full and proper inquiry. Finally, the legislative auditor can undoubtedly assist the OSP with the demands for accounting and analysis typical with this type of inquiry. Your Committee believes that the joint participation of these two offices will assist decision-makers in resolving perplexing and vexing issues that have too long delayed the payment of entitlements funding programs for native Hawaiians.

Your Committee on Legislative Management concurs with the intent and purpose of S.C.R. No. 51, S.D. 1, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1587-90 Legislative Management on S.C.R. No. 227

The purpose of this concurrent resolution is to conduct a study to evaluate the effectiveness of a ban on firearms in Hawaii in reducing the incidences of violent crime and accidental shootings.

Your Committee received testimony in support of this resolution from interested members of the public.

Your Committee on Legislative Management concurs with the intent and purpose of S.C.R. No. 227, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1588-90 Legislative Management on S.C.R. No. 242

The purpose of this concurrent resolution is to review the provisions of chapter 328, Part VI, H.R.S., Generic Drug Product Selection, with specific focus on:

- (1) generic drug substitution provisions for persons with special health needs; and
- (2) dealing with generic product manufacturers whose dealing with the FDA approval process have resulted in improper approval of those products as generically equivalent by the FDA.

Testimony in support of this resolution was received by the Department of Health, the Epilepsy Foundation of Hawaii and an interested member of the public.

Your Committee on Legislative Management concurs with the intent and purpose of S.C.R. No. 242, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1589-90 Judiciary and Legislative Management on S.C.R. No. 241

The purpose of this concurrent resolution, as received, is to request the Legislative Reference Bureau to study the current state of development, commercial availability, and applications of optical data storage technology.

Among other things, this study would include a legal examination to propose amendments to the Hawaii Rules of Evidence, thus making evidence stored in these systems admissible in legal proceedings in Hawaii.

Your Committees find that optical data storage, which is the technology used in the manufacturing of compact discs and laser video discs, has already proved to be a useful technology. And the law lags behind engineering and commerce in permitting the full use of this technology in finance, insurance, and other businesses. By amending the Rules of Evidence to encourage the use of this technology, your Committees believe that the Legislature may enhance the reputation of the State as a center of innovation in telecommunications and information industries.

In addition, your Committees find that optical data storage is not the only new information storage technology to appear in recent years, and it will probably not be the last. As new technologies of information storage and retrieval are developed, the Legislature may have to amend the Rules of Evidence again.

To avoid the need for frequent amendment, your Committees find that a study should specify general principles for admissibility of new forms of evidence, and should let the courts decide whether and when particular technologies have matured to a point where the products should be admissible for evidence in legal proceedings.

Your Committees further find that amending the Rules of Evidence, would encourage the use of modern information technology in the State. The results of such a study would encourage the broad use of new technology by applying it in the State's own information systems.

Since this area of law is relatively new, a comprehensive study on the legal implications involved in advanced storage and retrieval systems would have far-reaching effects, both in Hawaii and the rest of the United States. With a solid legal framework in place, more high tech and information technology professionals would be attracted to do business in the State, and Hawaii could more readily become a leader in telecommunications and the information industry.

Upon further consideration, your Committees have amended this measure to specify the scope of the comprehensive study which should be conducted. At this point, your Committees find that it would be more feasible to request the William S. Richardson School of Law, in consultation with the Office of Technology Transfer and Economic Development, the Judiciary, the High Technology and Development Corporation, and other interested parties, to conduct a preliminary review on modern information storage and database systems technology and the general principles of evidence applicable to admission of written documents and their modern counterparts in legal proceedings.

After this review, the Legislature would be better able to determine the scope of a comprehensive study on the legal ramifications related to optical data storage and other means of storing data, and to appropriate sufficient funding to ensure that Hawaii can take full advantage of its opportunity to develop a comprehensive legal framework to support information industry development.

Your Committees have further amended this measure to require that certified copies be submitted to the Dean of the William S. Richardson School of Law, Director of the Office of Technology Transfer and Economic Development, the Chief Justice of the Supreme Court of the State of Hawaii, and the Executive Director of the Hawaii State Bar Association.

Your Committees on Judiciary and Legislative Management concur with the intent and purpose of S.C.R. No. 241, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 241, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representatives Bellinger, Hirono, Oshiro, Souki, Takamine and Liu.

SCRep. 1590-90 Finance on H.R. No. 218

The purpose of this resolution is to request the Office of Community Services, in conjunction with the Office of the Attorney General, the Honolulu Community Action Program, Inc., the Hawaii County Economic Opportunity Council, the Maui Economic Opportunity, Inc., and the Kauai Economic Opportunity, Inc., to study the feasibility of converting community action agencies into a statewide public entity.

Private, nonprofit community action agencies have supplied basic human services to the needy in our State. Your Committee finds that although these agencies have been successful in assisting those in need, community actions agencies require a more permanent status within the communities they serve.

Supportive testimony was submitted by the Hawaii County Economic Opportunity Council, Kauai Economic Opportunity, Inc., and Honolulu Community Action Program, Inc.

Your Committee on Finance is in accord with the intent and purpose of H.R. No. 218 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1591-90 Finance on H.R. No. 193

The purpose of this resolution is to request the State Administration to review contract policies with private, nonprofit social agencies to ensure the provision of fair compensation and competitive salaries.

Private, nonprofit social agencies, a vital source of support services to the people of the State, are unable to offer competitive salaries to attract and retain qualified job candidates. Your Committee is aware of the crisis situation experienced by private, nonprofit organizations and finds that it is not the intention of state agencies to award contracts in which employees are paid substandard wages.

Supportive testimony was submitted by the State Planning Council on Developmental Disabilities and the Department of Health.

Your Committee on Finance is in accord with the intent and purpose of H.R. No. 193 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1592-90 Finance on H.R. No. 118

The purpose of this resolution is to request the Department of Accounting and General Services to determine the location and approximate cost of constructing and maintaining a multipurpose center on the Waianae coast to serve the residents of Waianae, Nanakuli, Maili, and Makaha.

Your Committee finds that the lack of a proper facility to accommodate social, informational, and educational gatherings on the Waianae Coast has generated difficulties for the people of the leeward district who must travel to other parts of Oahu to participate in such events. The installation of a multipurpose center on the Waianae Coast would alleviate these difficulties and would also facilitate a convenient nucleus for community organizations.

Your Committee on Finance is in accord with the intent and purpose of H.R. No. 118, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1593-90 Housing on S.C.R. No. 61

The purpose of this concurrent resolution is to request the Housing Finance and Development Corporation to determine the impact of low interest mortgage funds on the rate of self-help housing construction and the extent to which the State can make these low interest mortgages available.

Your Committee heard testimony supporting this resolution from the Housing Finance and Development Corporation.

Your Committee finds that assisting families and households in building their own homes may help to reduce the housing shortage.

Your Committee on Housing concurs with the intent and purpose of S.C.R. No. 61, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Metcalf.

SCRep. 1594-90 Housing on S.C.R. No. 67

The purpose of this concurrent resolution is to request the Hawaii Housing Authority to analyze the feasibility of early participation by the State in the United States Government's HOPE initiative (Homeownership and Opportunity for People Everywhere).

Your Committee received testimony from the Hawaii Housing Authority supporting the concept of the HOPE initiative.

Your Committee on Housing concurs with the intent and purpose of S.C.R. No. 67, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Metcalf.

SCRep. 1595-90 Housing on S.C.R. No. 179

The purpose of this concurrent resolution is to request the Housing Finance and Development Corporation to initiate discussions and conduct negotiations with owners of large private land holdings in this State with the goal of having land released for affordable housing.

Your Committee received supporting testimony from the Housing Finance and Development Corporation.

Your Committee finds that the lack of suitable land is a major impediment to the construction of affordable housing. Certain tax inducements might convince owners of large land holdings the benefits of developing their lands for such housing.

Your Committee on Housing concurs with the intent and purpose of S.C.R. No. 179, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Metcalf.

SCRep. 1596-90 Housing and Intergovernmental Relations and International Affairs on S.C.R. No. 81

The purpose of this resolution is to express the State's support for the United States Government's HOPE (Home Ownership and Opportunity for People Everywhere) initiative.

Your Committees heard testimony from the Hawaii Housing Authority supporting the concurrent resolution. The Housing Finance and Development Corporation, while supporting the intent of the concurrent resolution, expressed concerns on the application of the program in Hawaii.

Your Committees on Housing and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 81, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Hirayama, Kawakami, Metcalf, Okamura, Souki and Takamine.

SCRep. 1597-90 Human Services and Legislative Management on S.C.R. No. 77

The purpose of this resolution is to request the Legislative Auditor to conduct a study on veteran programs, particularly in the areas of health and elderly services provided by the federal and state governments.

Your Committees find it prudent and in the best interests of the veterans of Hawaii to implement such a study to facilitate the necessary services needed.

Your Committees received supportive testimony from Executive Office on Aging, and the State of Hawaii Department of Defense.

Your Committees on Human Services and Legislative Management concur with the intent and purpose of S.C.R. No. 77, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Alcon, Apo, Shon, Tam, Hemmings and Liu.

SCRep. 1598-90 Human Services on S.C.R. No. 183

The purpose of this resolution is to request the Department of Human Services to study and make recommendations to the Legislature on issues relating to the availability and quality of vocational rehabilitation services in Hawaii.

Your Committee finds that there is currently no baseline data on the number of people requiring vocational rehabilitation, the number of those utilizing such services in the public sector, and the number of public assistance and aid to dependent children recipients who might be employable after receiving such services. Data compilation and strategies are necessary to maximize the effectiveness of vocational rehabilitation in Hawaii.

Supportive testimony has been submitted by Department of Human Services.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 183, and recommends its adoption.

Signed by all members of the Committee except Representatives Shon and Tam.

SCRep. 1599-90 Human Services on S.C.R. No. 75

The purpose of this resolution is to request a determination of the need and best site for a senior citizen's center in Kailua-Kona.

Your Committee finds that, given the rapid growth in Kailua-Kona and the lack of adequate facilities in the proximity, the establishment of a senior citizen's center is needed to satisfy the needs of Hawaii's older citizens.

Supportive testimony has been submitted by the Executive Office on Aging, the Kailua-Kona Senior Citizens Group, and by a private citizen.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 75, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Shon and Tam.

SCRep. 1600-90 Health on S.C.R. No. 126

The purpose of this act is to establish a Council on Chemical Dependency and Pregnancy to study the problem of prenatal drug addiction and drug and alcohol exposed newborn infants.

Your Committee heard testimony indicating full support of this resolution from the Department of Health, the Office of Children and Youth, Kapiolani Medical Center for Women and Children, and the American Civil Liberties Union of Hawaii.

Your Committee finds that a comprehensive approach toward addressing the complex needs of chemically exposed infants and mothers is vital. The proposed council will build on public and private efforts which have already begun to coalesce in response to this problem.

Your Committee on Health concurs with the intent and purpose of S.C.R. No. 126, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1601-90 Health and Consumer Protection and Commerce on S.C.R. No. 259

The purpose of this resolution is to have the Governor's Committee on AIDS examine the dilemma of providing ongoing medical care, which is accessible and affordable, to HIV infected people in Hawaii.

Your Committees heard testimony in support of this measure from the Department of Health, the Governor's Committee on AIDS, the State Health Planning and Development Agency, the Department of Human Services, the Hawaiian Society of Naturopathic Physicians, and a concerned citizen who works with individuals who are HIV positive.

Your Committees find that the study mandated by this resolution will have many resources to draw upon, such as the study of financing of HIV care in Hawaii, on which the Governor's Committee on AIDS is nearing completion. Your Committees believe that the scope and nature of the HIV epidemic demand that we update and build on our existing information in order to keep pace with the needs of our community.

Your Committees on Health and Consumer Protection and Commerce concur with the intent and purpose of S.C.R. No. 259, S.D. 1, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1602-90 Health on S.C.R. No. 172

The purpose of this resolution is to request the Department of Health to coordinate efforts to implement the recommendations contained in the reports of the Department of Health Task Force and the Legislative Reference Bureau on the shortage of trained physical and occupational therapists serving disabled children in the public schools of Hawaii.

Your Committee heard testimony in full support of this measure from the Department of Health, the Director of Personnel Services, Kapiolani Medical Center for Women and Children, State Planning Council on Developmental Disabilities, and the Chancellor for Community Colleges.

Your Committee concurs with the Department of Health and the Director of Personnel, that a number of the personnel recommendations focus on wages, hours, and other terms and conditions of work which are negotiable subjects covered by collective bargaining. Your Committee trusts that the Department will coordinate the implementation of the recommendations to the greatest extent possible, with sensitivity to those areas which require legal changes and recognition of the collective bargaining representative.

Your Committee on Health concurs with the intent and purpose of S.C.R. No. 172, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1603-90 Health on S.C.R. No. 267

The purpose of this concurrent resolution is for the Department of Health to develop more expeditious and efficient methods for communicable disease reporting, to include chronic diseases in the communicable disease monthly report, to include environmental issues in the report, and to incorporate the reporting into a comprehensive Pacific Basin and Centers for Disease Control system.

Your Committee finds that the most potent means available to health officials in controlling the spread of communicable human disease is the power of persuasion. The collection and dissemination of information is vital to enhancing this power and increases the effectiveness of the programs devoted to preventing the spread of infectious diseases throughout the community.

Your Committee believes that by expanding the scope and focus of the Department of Health's reporting and monitoring system, the spread of communicable disease could be successfully curtailed.

Your Committee is aware that the Department of Health is presently developing extensive efforts toward achieving most of the issues addressed in this resolution, nevertheless the Legislature has placed a high priority on this issue. The Legislature is interested in the progress being made toward the improvement of the Communicable Disease Monitoring and Reporting System and insure that the Department of Health maintains this progress as a high priority.

Your Committee on Health concurs with the intent and purpose of S.C.R. No. 267, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1604-90 Economic Development and Hawaiian Affairs on H.R. No. 317

The purpose of this House Resolution is to urge the Hawaiian Homes Commission to:

- 1) immediately seek the return of any Hawaiian Home Lands, including those trust lands being utilized at Pohakuloa, Kekaha, and Keaukaha, being used by federal agencies for nominal rent and compensation for past uses of trust lands based on the fair market value of the use of those lands; and
- 2) cancel the existing leases or other conveyance instruments allowing federal agencies to use Hawaiian Home Lands for nominal rent and, only if the circumstances do not allow for the immediate return of those lands to the commission, renegotiate conveyance documents to require market value rent for the use of these lands; and

- 3) resort to judicial relief should it not be successful in obtaining the return of these lands within one year of the date of this resolution; and
- 4) explore the possibilities of consummating a land exchange to obtain other land for future homesteading in the West Hawaii area to compensate for the loss of Pohakuloa, especially if military training and firing has rendered the future use of the area by native Hawaiian homesteaders unlikely.

In addition, the resolution requests that the U.S. Army, U.S. Navy, U.S. Department of Transportation and the U.S. Attorney General recognize the special trust relationship between the U.S. and native Hawaiians under the HHCA and cooperate fully and expeditiously to cancel the existing lease arrangements, negotiate for payment of fair compensation for the past period of use, and, if necessary under the circumstances, negotiate either a fair land exchange to compensate the trust for the lands utilized or fair market rental for the continued use of those lands.

Your Committee finds that Hawaiian home lands have been leased to federal, state, and county agencies, as well as, private individuals and entities for only a nominal rental fee for the use of these properties. These lands are of great value, therefore, the State feels that it should receive compensation that is more representative of the fair market value.

The resolution has been amended to request that the Secretary of the U.S. Department of the Interior, as part of its responsibility to advocate for Hawaiian home lands in the federal establishment, take the lead in working with the U.S. Army, U.S. Navy and U.S. Attorney General's office to resolve this matter. The Department of Defense has been added as an agency to receive copies of this resolution in place of the Secretary of the U.S. Army and U.S. Navy.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 317, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 317, H.D. 1.

Signed by all members of the Committee.

SCRep. 1605-90 Economic Development and Hawaiian Affairs on H.R. No. 172

The purpose of this House Resolution is to request that the Hawaiian Homes Commission and the Department of Hawaiian Home Lands formulate plans to develop and establish housing projects on Hawaiian Home Lands for elderly native Hawaiians. In addition they are to submit a report of their findings and recommendations to the Legislature twenty days prior to the 1991 legislative session.

Your Committee finds that there is a need to access the housing needs of all Hawaiians particularly those who are elderly or are of low income families. Your Committee has, therefore, broadened the bill by amending it to request that the departments proceed with the "master-planned community program" for Hawaiian home lands which was originally implemented by the Housing Finance and Development Corporation. By using a similar approach, a determination can be made as to what housing is needed and action taken to resolve this problem.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 172, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 172, H.D. 1.

Signed by all members of the Committee.

SCRep. 1606-90 Economic Development and Hawaiian Affairs on S.C.R. No. 234

The purpose of this Senate Concurrent Resolution is to request that the Department of Hawaiian Home Lands take specific action to remedy the breach of trust responsibilities involving two leases of Hawaiian home lands to U.S. military departments at nominal rents. The resolution proposes that the department renegotiate the leases at fair rental values, including compensation for past use, or cancel the leases and retake possession of the property, or enter into land exchanges, or take other actions necessary to protect the interests of the trust and its beneficiaries.

In addition, the department has been requested to prepare and submit a report on its actions twenty days prior to the 1991 legislative session.

Your Committee finds that the lands currently leased to U.S. military departments are of great value to the State. However, the military has paid only a nominal rental fee for the use of these properties. The state feels that it should receive compensation that is more representative of the fair market value and therefore requests that action be taken by the department to resolve this matter.

Your Committee on Economic Development and Hawaiian Affairs concurs with the intent and purpose of S.C.R. No. 234 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1607-90 Legislative Management on S.C.R. No. 150

The purpose of this concurrent resolution is to determine whether the rules allowing construction of dwellings within conservation districts violate, or are inconsistent with, the statutory law under which they were adopted.

Your Committee received testimony from the Department of Land and Natural Resources, the Friends of Hawea Point, the Pohakupu Community Association, the Save Mt. Olomana Association and interested citizens.

Your Committee finds that because of the size of single-family residences which are proposed on conservation lands at Hawea Point, Maui, and Olomana, Oahu, the intended use of these family residences do not require an environmental impact statement, these owners are alleged to have disguised their proposed projects as residential to gain approval for construction. Concerns have also been raised about the adequacy of the rules regulating conservation district use. A legislative audit would serve to resolve these issues.

Your Committee on Legislative Management concurs with the intent and purpose of S.C.R. No. 150 and recommends its adoption.

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

SCRep. 1608-90 Legislative Management on S.C.R. No. 174

The purpose of this concurrent resolution is to request that the Legislative Reference Bureau, in consultation with the Department of Labor and Industrial Relations, the Department of Education, the Hawaii State Teachers Association, and the Chamber of Commerce, conduct a study regarding the desirability of amending Section 390-2, Hawaii Revised Statutes, so that the Child Labor Law will reflect the State's unqualified commitment to quality education with stipulations such as: teens older than fifteen not be permitted to work beyond 8:00 p.m. on any evening preceding a school day; that exception be allowed for students with special considerations such as half-day students; and that any student suspended from school not be permitted to work during school hours on such days.

Your Committee received testimony from the Hawaii State Teachers Association and a concerned teacher.

Your Committee on Legislative Management concurs with the intent and purpose of S.C.R. No. 174 and recommends its adoption.

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

SCRep. 1609-90 Water and Land Use on H.R. No. 5

The purpose of this resolution is to comply with the requirements of Section 171-50(c), Hawaii Revised Statutes, relating to the legislative review of any exchange of public land for private land. This statute requires the Department of Land and Natural Resources to submit for introduction to the Legislature a resolution for review of action on any exchange. All exchanges of public land for private land shall be subject to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both in any regular session following the date of exchange.

This particular resolution involves Sankyo Tsusho Company, Ltd, dba Mokuleia Land Company (Company), which owns some 3,000 acres of land in Mokuleia that extend from the Waianae Mountains to the ocean. The Company has preliminary plans to develop one or more golf courses on that land which also includes a 40-acre parcel owned by the State. At the same time, there is currently limited public access from Central Oahu to the forest land above Mokuleia. Under the exchange, the Company would provide a roadway alignment across Company land that would improve public access to the mountain area, particularly, Peacock Flats. The State has expressed interest in developing the area for a variety of outdoor recreational opportunities. In exchange for the roadway alignment, the State would transfer ownership of the 40-acre parcel to the Company.

Because your Committee took particular interest in this land exchange, it conducted a site visit on April 11, 1990, to inspect the properties in question. During the site visit, your Committee learned, among other things, about the existence of a former sand mine pit that has been transformed into a pond due to ground water seepage. Your Committee finds that water birds now frequent the pond to the extent that it is considered an important bird sanctuary in that region. Even though this resolution may not serve as the appropriate vehicle for public acquisition of this sanctuary, your Committee, nevertheless, finds that the State should take steps for its eventual acquisition to ensure its perpetual use as a bird sanctuary.

Similarly, your Committee also finds that the State should undertake discussions with the Company for the public acquisition of oceanfront property in the immediate region.

Finally, your Committee finds that much of the former pasture land have become overgrown with grasses and brush. Because this accumulated undergrowth represents a fire hazard that could threaten the forest land, your Committee encourages the Company to take steps to reduce this risk, including the construction of firebreaks.

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

- (1) Re-titled the resolution to reflect approval of this particular land exchange; and
- (2) Re-phrased the BE IT RESOLVED clause to also reflect approval of the land exchange.

Your Committee on Water and Land Use concurs with the intent and purpose of H.R. No. 5, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 5, H.D. 1.

Signed by all members of the Committee.

SCRep. 1610-90 Water and Land Use and Tourism on S.C.R. No. 109

The purpose of this concurrent resolution is to provide the public with an opportunity for a safe and enjoyable motor sports racing experience by requesting that the State set aside land on Oahu for a public motor sports complex. This concurrent resolution requests the Governor to provide land to the City and County of Honolulu for the motor sports complex or, as an alternative, to a private entrepreneur for the development of a similar complex at a reasonable cost.

Your Committees find that development of a first class motor sports facility can have significant benefits for the State, in terms of economic growth, tourism promotion, and the provision of additional recreational and entertainment opportunities for residents and visitors.

Your Committees received testimony in support of this resolution from the Hawaii Road Race Association, 50th State Pro Gas, Hawaii Raceway Park and the Aloha Mustang and Shelby Club of Hawaii. Although supporting the idea of a first class motor sports facility, the Department of Land Natural Resources opposed the resolution because of the unavailability of unencumbered State land in the metropolitan Honolulu area.

Your Committees on Water and Land Use and Tourism concur with the intent and purpose of S.C.R. No. 109, S.D. 1, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1611-90 Judiciary and Intergovernmental Relations and International Affairs on H.R. No. 137

The purpose of this resolution is to urge Hawaii's congressional delegation to support amendments to the Marriage Fraud Act which would assist alien spouses who are victims of domestic violence.

Your Committees received favorable testimony from the Women's Studies Program, Hawai'i Women's Political Caucus, Legal Aid Society, Hawaii State Committee on Family Violence, and Kalihi-Palama Immigrant Service Center.

Your Committees understand the proposed Slaughter amendments to the Immigration Marriage Fraud Act, Public Law 99-639, effective November 1986, would allow battered alien spouses who entered into the marriage in good faith to petition for permanent residency independently from their abusive spouses. Your Committees believe these amendments would clarify the existing law and provide needed assistance to innocent victims of abusive marriages.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 137, and recommend its adoption.

Signed by all members of the Committees except Representatives Andrews, Bybee, Hirono, Horita, Taniguchi, Yoshimura and Cavasso.

SCRep. 1612-90 Judiciary and Intergovernmental Relations and International Affairs on S.C.R. No. 258

The purpose of this concurrent resolution is to seek the assistance of the military in supplementing the State's efforts in eradicating marijuana growing in Hawaii.

Testimony on this bill was received from the Department of the Attorney General, the Department of Land and Natural Resources, and citizens representing the community.

Your Committees understand that while law enforcement has made major strides in the eradication of marijuana in Hawaii there is still much work to be done. Your Committees believe, therefore, that so long as the use of military forces is not in violation of posse comitatus which prohibits the use of federal troops in direct civil law enforcement roles, the availability of military support, manpower, equipment, and resources will be a major contributing factor to Hawaii's war against drugs.

Your Committees qualify its endorsement of the assistance of the military, however, by directing the Department of Attorney General to consult and confer with the Department of Health and the Department of Land and Natural Resources before conducting and during the carrying out of joint state and military operations against the marijuana growing industry in Hawaii.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs 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 Andrews, Bybee, Cachola, Hayes, Hirono, Horita, Taniguchi, Yoshimura and Cavasso.

SCRep. 1613-90 Judiciary on S.C.R. No. 209

The purpose of this concurrent resolution is to urge the Governor to appoint an equal number of women to the 104 appointive State boards, commissions, committees, and authorities, and to appoint a task force to assist the Governor in seeking qualified and interested women candidates.

Your Committee received testimony from the YWCA of Oahu, the Hawaii Women Lawyers, the Hawaii Women's Political Caucs and the Hawaii Federation of Business Professional Clubs, Inc., and finds that this concurrent resolution and its ultimate goal are long overdue.

Your Committee has amended this concurrent resolution by:

- (1) Adding a request that the Governor appoint women to at least one-half of the positions on the task force;
- (2) Adding a request that members of the task force be appointed from certain women's political and social organizations and that these organizations be provided with certified copies of the concurrent resolution; and
- (3) Urging the Governor to appoint women to at least one half of all State boards, authorities, committees, and commissions not only during the current year, but forever after.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 209, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 209, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Andrews, Cachola, Hiraki, Hirono, Yoshimura, Anderson and Cavasso.

SCRep. 1614-90 Judiciary on S.C.R. No. 243

The purpose of this concurrent resolution is to urge retailers to refrain from selling cigarette rolling papers.

Testimony regarding this concurrent resolution was received from Senator Mike Crozier and the Hawaii Smoker's Rights Committee.

Your Committee has amended this concurrent resolution by: (1)
deleting all references to the trade name "ZIG-ZAG";

- (2) deleting the word "other" from the phrases "all other varieties" and "other cigarette rolling paper" found on pages 1 and 2; and
- (3) adding the phrase "to minors" after the phrase "cigarette rolling papers" and before the phrase "to help reduce the level of marijuana" found on page 2.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 243, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 243, H.D. 1.

Signed by all members of the Committee except Representatives Andrews, Cachola, Hiraki, Hirono, Yoshimura, Anderson and Cavasso.

SCRep. 1615-90 Judiciary on S.C.R. No. 136

The purpose of this concurrent resolution is to request the Judiciary to form a committee including, but not limited to, representatives from the Judiciary, the Hawaii Bar Association, the Prosecutor's Office of each county, and the Hawaii Defense Bar, to conduct a study of the Hawaii Rules of Evidence and to propose appropriate revisions, if any. The study should include, but not be limited to, issues of victim/counselor privilege, a child witness hearsay exception, a chiropractic privilege, computer-generated evidence, and the advisability of amending the rules of evidence accordingly.

The study committee is also requested to solicit information from the Sex Abuse Treatment Center and an agency providing counseling to victims of domestic violence, and that the information be limited to the issues of a victim/counselor privilege and a child witness hearsay exception.

Your Committee received testimony from the Director of the Sex Abuse Treatment Center and the Office of the Prosecuting Attorney for the City and County of Honolulu.

Your Committee on Judiciary is in accord with the intent and purpose of S.C.R. No. 136, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Andrews, Cachola, Hiraki, Hirono, Yoshimura, Anderson and Cavasso.

SCRep. 1616-90 Judiciary on S.C.R. No. 66

The purpose of this concurrent resolution is to request the Chief Justice of the Supreme Court to conduct a special investigation regarding the sexual harassment allegations in the Maui Sheriff's Office and contract with a special accounting firm to conduct a financial audit of the Maui Sheriff's Office.

Testimony regarding this concurrent resolution was received from the Judiciary.

Your Committee has amended this concurrent resolution by:

- (1) deleting the phrase "Contract with a private accounting firm to";
- (2) deleting the word "financial" before the word "audit" found on page 1; and
- (3) adding the phrase "management and fiscal" before the word "audit" found on page 1.

Your Committee wishes to note that a special investigator has already been appointed to investigate the matter addressed in this concurrent resolution. Your Committee would also like to express its acknowledgement that there has been concern expressed addressing what was viewed as the ambiguity of the language of the concurrent resolution. Your Committee is resolved to answer any questions which may arise in regards to this concurrent resolution but regrets that questions specifying exactly what language was ambiguous was not forthcoming.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 66, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 66, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Andrews, Cachola, Hiraki, Hirono, Yoshimura, Anderson and Cavasso.

SCRep. 1617-90 Judiciary on H.R. No. 349

The purpose of this resolution is to urge the State of Hawaii to inventory lands which it had condemned and to enact legislation to provide for the return of lands originally condemned by the government for public uses and which are no longer used for such public uses to the original landowners on equitable terms and compensation.

Testimony was received from the Department of Land and Natural Resources and Bishop Estate.

Your Committee understands that the State has the power to condemn and seize private property if it can justify that such land will be used for a specific public benefit. This right, known as the power of eminent domain, conflicts with another Constitutional freedom, the right of the individual to purchase and legally own private property free from government oppression.

In instances of eminent domain, the rights of the government subvert the rights of the individual, if the government can show good cause that the benefits to the public welfare would far outweigh the benefits if the land were to remain in the hands of private landowners.

Your Committee notes, however, that properties condemned for public use may no longer be utilized by the State government for the reasons which they were originally condemned. Your Committee is of the opinion that such properties should be returned to the original owners, provided that the process is fair and equitable to all parties involved.

It is your Committee's intent that this resolution would urge the State to inventory its condemned lands and to propose legislation that would strengthen the legal checks and balances which protect citizens from government oppression. It would also provide a means of compensation by landowners seeking to reacquire property lost to government acquisition.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 349 and recommends its adoption.

Signed by all members of the Committee except Representatives Andrews, Cachola, Hiraki, Hirono, Yoshimura, Anderson and Cavasso.