

- (8) Made the Executive Director of the Public Employees Health Fund and the Medicaid Administrator voting rather than non-voting members of the Board of Directors;
- (9) Deleted the authority of the Board of Trustees to make and execute contracts and other instruments without regard to the legal requirements of competitive bidding;
- (10) Excluded only national businesses with federally-approved prepaid health plans from purchasing plans at prices negotiated by the Alliance rather than all self-insured companies;
- (11) Eliminated the authority of the Board of Trustees to assess a portion of the premiums for every prepaid health care plan whose rates it negotiated;
- (12) Required the Governor to submit reports to the Legislature prior to the convening of the 1995 rather than the 1996 Regular Session; and
- (13) Changed the effective date of the Act from July 1, 1995 to the approval date, except that Medicaid coverage requirement would comply with ERISA, federal Medicaid waivers granted to the State, and approval of specified federal agencies.

Your Committee emphasizes that purpose of the Alliance shall in no way be construed as that of a body engaged in the regulation of health plans or health insurance rates or premiums.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3036, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3036, S.D. 2, H.D. 1, and be referred to the Committees on Consumer Protection and Commerce and Judiciary.

Signed by all members of the Committee except Representatives Arakaki and Tanimoto.

SCRep. 919-94 Health on S.B. No. 3064

The purpose of this bill is to make an emergency appropriation to the Department of Health , for the fiscal year ending June 30, 1994 for the Hamakua Medical Center. This appropriation will help to prevent the reduction or discontinuance of services provided by the medical center.

The Department of Health, the Board of Trustees of the Hamakua Medical Center, employees of the Hamakua Medical Center, the Hamakua District Development Council, along with various community associations and members of the general public, testified in wholehearted support of this measure.

Your Committee realizes that plantations are a way of life for the people of Hamakua and that the closures of various plantations along this coast brings, and will continually bring, extensive hardship to all who live in the County of Hawaii. Compounding this problem, many residents of Hamakua no longer receive health insurance through the Hamakua Sugar Company as they previously did. Your Committee also realizes that the Hamakua Health Center is in grave danger of closing and that this closure would mean that the health and welfare of the community would be jeopardized.

However, the Committee members wanted to express their concerns whether the monies requested by the Hamakua Medical Center were adequate and also wanted figures regarding grants and monetary aid which the medical center has applied for presented to Committee members.

Accordingly, your Committee has amended this bill by:

- (1) Inserting an appropriation amount of \$140,000;
- (2) Deleting the expenditure ceiling declaration since the funds requested in the bill will not cause the state general fund ceiling for fiscal year 1993-1994 to be exceeded;
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, conformity, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3064, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3064, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 920-94 Health on S.B. No. 1249

The purpose of this bill is to require the Director of the Department of Commerce and Consumer Affairs to establish a formulary council to determine lists of drugs that are appropriate to be prescribed by various classes of licensed health care professionals.

Testimonies supporting the intent of this measure were recieved from the State Department of Health, the Hawaii Nurses Association, and the Hawaii State Board of Nursing.

The Hawaii Optometric Association, the Hawaii Academy of Physicians Assistants, the Department of Commerce and Consumer Affairs, the Hawaii Federation of Physicians and Dentists, the Hawaii Ophthalmological Society, and the Board of Medical Examiners supported the intent of the measure but felt that various amendments needed to be made regarding the composition of the formulary council and clarification of various aspects of the bill.

The council would consist of representatives from the physicians, pharmacists, and other licensed health care professionals, and upon establishment, would study the various classes of health care professionals currently allowed to prescribe drugs and decide which of them should be entitled to prescribe from which specific formularies.

Your Committee understands the dilemma arising from the need to protect the public health and safety and the need to reduce the escalating cost of health care in Hawaii. The council proposed in this measure would have a beneficial impact in that it will settle current controversies regarding who should be entitled to prescribe what, and would provide uniform, cost saving criteria for prescribing medications.

It was noted that currently 43 states allow some form of prescriptive authority and that none of these states have repealed their measures. Further, your Committee recognizes that the focus of reforming the health care delivery system needs to be primary care, health promotion and disease prevention activities, and access to affordable, appropriate, and acceptable health services. It is this access that continues to remain an obstacle impacting on both rural and low income populations and causes them to be underserved. For this reason, your Committee believes that it is in the best interest of the people that this bill continue in the legislative process.

Taking into consideration all concerns voiced, your Committee has amended this bill by including substantive language from H.B. No. 3315, H.D. 1, H.B. No. 2456, H.D. 1, and H.B. No. 2238, H.D. 1, dealing with various health care professions and their rights to prescriptive authority. Through these amendments, three separate formulary councils would be established and would develop formularies with regards to their respective scopes of practice.

Other, technical, nonsubstantive amendments were made for the purposes of clarity, conformity, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1249, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1249, S.D. 1, H.D. 1, and be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee except Representatives Arakaki and Tanimoto.

SCRep. 921-94 Health on H.R. No. 83

The purpose of this resolution is to request the Legislative Reference Bureau to study the feasibility of establishing an Office of Minority Health that incorporates the Bilingual Health Education Aide Program, the Office of Refugee and Immigrant Health, and the Affirmative Action Office of the Department of Health.

The Department of Health testified in support of the intent of the resolution. The Commission on the Status of Women testified that the emphasis on women's issues may be reduced if the Affirmative Action Office were transferred to the proposed Office of Minority Health.

Your Committee agrees that the importance of women's issues should not be compromised, but that the structural change proposed by this resolution will not necessarily result in any reduction in effort of the Affirmative Action Office.

There was discussion centering around the uniqueness of the population of Hawaii, where there are no majority ethnic groups as there are in other parts of the country. As such, each person can be considered to be part of one minority group or another. In addition, many residents of Hawaii are of mixed ancestry, further complicating the situation. Since federal law encourages states to create or designate an Office of Minority Health, there was a question as to the applicability of federal statutes with respect to minorities.

During the discussion, it was noted that the Office of Community Services in the Department of Labor and Industrial Relations are making efforts to coordinate bilingual access efforts among the various State agencies. Should the Office of Minority Health eventually be established, your Committee would like to emphasize the importance of coordinating efforts of the new agency with those of the Office of Community Services.

Further discussion focused upon the Office of Hawaiian Health. Your Committee determined that Hawaiian health is a separate issue from the thrust of this resolution.

Upon full and free discussion, your Committee has amended the resolution by adding that Hawaiian health issues are separate from those addressed by the resolution, and that the Office of Hawaiian Health is excluded from the scope of the proposed organizational change.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 83, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 83, H.D. 1.

Signed by all members of the Committee except Representatives Duldulao and Tanimoto.

SCRep. 922-94 Health on H.C.R. No. 90

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study the feasibility of establishing an Office of Minority Health that incorporates the Bilingual Health Education Aide Program, the Office of Refugee and Immigrant Health, and the Affirmative Action Office of the Department of Health.

The Department of Health testified in support of the intent of the concurrent resolution. The Commission on the Status of Women testified that the emphasis on women's issues may be reduced if the Affirmative Action Office were transferred to the proposed Office of Minority Health.

Your Committee agrees that the importance of women's issues should not be compromised, but that the structural change proposed by this concurrent resolution will not necessarily result in any reduction in effort of the Affirmative Action Office.

There was discussion centering around the uniqueness of the population of Hawaii, where there are no majority ethnic groups as there are in other parts of the country. As such, each person can be considered to be part of one minority group or another. In addition, many residents of Hawaii are of mixed ancestry, further complicating the situation. Since federal law encourages states to create or designate an Office of Minority Health, there was a question as to the applicability of federal statutes with respect to minorities.

During the discussion, it was noted that the Office of Community Services in the Department of Labor and Industrial Relations are making efforts to coordinate bilingual access efforts among the various State agencies. Should the Office of Minority Health eventually be established, your Committee would like to emphasize the importance of coordinating efforts of the new agency with those of the Office of Community Services.

Further discussion focused upon the Office of Hawaiian Health. Your Committee determined that Hawaiian health is a separate issue from the thrust of this concurrent resolution.

Upon full and free discussion, your Committee has amended the concurrent resolution by adding that Hawaiian health issues are separate from those addressed by the concurrent resolution, and that the Office of Hawaiian Health is excluded from the scope of the proposed organizational change.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 90, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 90, H.D. 1.

Signed by all members of the Committee except Representatives Duldulao and Tanimoto.

SCRep. 923-94 Hawaiian Affairs on S.B. No. 2261

The purpose of this bill is to extend the participation of the independent representative in pending non-judicial proceedings to resolve claims against the State with the Hawaiian Homes Commission and other administrative agencies, made pursuant to Act 352, Session Laws of Hawaii 1993, from December 1, 1994 to December 31, 1995.

After careful consideration, your Committee has amended this bill by deleting its substance, and inserting provisions that would provide the Office of Hawaiian Affairs (OHA) the authority to issue revenue bonds secured by the moneys received by OHA from the twenty percent share of revenue from the public land trust.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2261, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2261, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives D. Ige, Lee and Tanimoto.

SCRep. 924-94 Hawaiian Affairs on S.B. No. 2262

The purpose of this bill is to allow the circuit court to render decisions on certain matters in which an impasse exists between the independent representative of Hawaiian Home Lands Trust beneficiaries and the State Task Force on Department of Hawaiian Home Lands Title and Related Claims (task force).

Your Committee finds that Act 352, Session Laws of Hawaii 1993, authorized the appointment of an independent representative to act as sole counsel to Hawaiian Home Lands beneficiaries for claims against the State for breaches of the Hawaiian Home Lands Trust. The independent representative and the task force were to resolve these claims in a nonjudicial forum. However, in the course of resolving these claims, impasses between the independent representative and the task force have occurred, and the law does not provide any recourse to final determinations.

The following organizations submitted testimony on this bill: the Department of Hawaiian Home Lands; the Office of State Planning; the Independent Representative, Hawaiian Home Lands Trust; the State Council of Hawaiian Homestead Associations; the Beneficiaries Advisory Council; the Aged Hawaiians; two individuals from the Kuhio Village Hawaiian Homes; an interested citizen from Waimea, Kauai; Hui Ka Koo; a member of the Waimea Hawaiian Homestead Association; and an interested individual from Maui.

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

- (1) Generally incorporating the provisions of S.B. No. 2261, S.D. 2, as a new Section 2 of this bill. Briefly, these new provisions extend the service of the court-appointed independent representative of the beneficiaries of the Hawaiian Home Lands Trust;
- (2) Re-phrasing the purpose section;
- (3) Deleting the requirement that both the independent representative and at least one task force member must agree that an impasse exists before they can apply to the circuit court for a determination (page 3, lines 2-4 of the S.D. 2);
- (4) Inserting a new subsection (f) requiring the independent representative to maintain an errors and omissions policy of \$1-million, and clarifying that the relationship between the independent representative and the beneficiary class shall be that of an attorney-client relationship (page 7, lines 20-24 to page 8, lines 1-2 of H.D. 1); and
- (5) Making technical, nonsubstantive amendments for the purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2262, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2262, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives D. Ige, Lee and Tanimoto.
(Representative Apo voted no.)

SCRep. 925-94 Hawaiian Affairs on S.B. No. 2756

The purpose of this bill is to improve the dispute resolution process by authorizing the use of the ancient practice of ho'oponopono. Briefly:

- (1) Ho'oponopono is the traditional process of dispute resolution utilized by native Hawaiians; and
- (2) Haku is an individual trained in the practice of ho'oponopono.

This bill authorizes the following agencies to either encourage the use of ho'oponopono or to refer cases to a haku to utilize the practice of ho'oponopono:

- (1) The State Foundation on Culture and the Arts;
- (2) The Family Courts in general;
- (3) The Attorney General in relation to the Uniform Reciprocal Enforcement of Support Act (Chapter 576);
- (4) The Child Support Enforcement Agency; and
- (5) The Family Courts relating to domestic abuse protective orders and the Child Protective Act.

Testimony in support of this bill was presented by the Program on Conflict Resolution at the University of Hawai'i, Manoa, the Native Hawaiian Bar Association, Ka Lahui Hawai'i Political Action Committee, Papa Ola Lokahi, and other concerned citizens.

Your Committee has amended this bill by:

- (1) Generally inserting the provisions from S.B. No. 2155, S.D. 1, which establishes a three-year ho'oponopono counseling project to be administered by the Judiciary and appropriates \$143,000;
- (2) Adding a purpose section;
- (3) Inserting the following phrase: "For the purposes of this section of Hawaii Revised Statutes, the term" at the beginning of the definitions of "ho'oponopono" and "haku" in Sections 9-1 and 571-2, Hawaii Revised Statutes;
- (4) Deleting the definition of "ho'oponopono" from Section 571-2;
- (5) Deleting Sections 3-6 and 8 of S.D. 2 in their entirety;
- (6) Amending the effective date by providing that the appropriations section take effect on July 1, 1994; and
- (7) Making technical, nonsubstantive amendments for style and clarity.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2756, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2756, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

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

SCRep. 926-94 Hawaiian Affairs on S.B. No. 3301

The purpose of this bill is to enable native Hawaiian organizations to receive State funds to assist Hawaiians in exercising their subsistence, cultural, or religious rights. This bill amends Chapter 42D, Hawaii Revised Statutes, by exempting native Hawaiian organizations from having to comply with prohibitions relating to discrimination based on race and religion as part of any grant, subsidy, and purchase of service agreement for the purpose of exercising their subsistence, cultural, or religious rights.

Although there are laws prohibiting discrimination on the basis of race and religion, the Hawaii State Constitution, nevertheless, reserves a special place for native Hawaiians by reaffirming and protecting all rights customarily and traditionally exercised by native Hawaiians for subsistence, cultural, and religious purposes.

Testimony in support of this bill was offered by the Office of Hawaiian Affairs, the State Council of Hawaiian Homestead Associations, and concerned citizens.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3301, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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

SCRep. 927-94 Transportation on S.B. No. 1081

The purpose of this bill is to create a temporary Hawaii Airports Cultural Development Committee for the purposes of developing a master plan that includes implementing actions to incorporate Hawaii's unique cultural influences, activities, and products into the physical structure and operations of the State's airport facilities.

Your Committee finds that the State's airport system serves as the major port of entry for the vast majority of visitors entering the Aloha State. Your Committee finds that a combination of permanent and rotating works of art, exhibits, displays and cultural events is needed to inform, educate, and entertain visitors about the multitude of ethnic backgrounds and rich native heritage our State has to offer. Your Committee finds that in order to continue, improve, and strengthen the State's tourism industry, every effort to promote the uniqueness of our island paradise should be vigorously pursued.

Your Committee received testimony from the Department of Transportation, the Office of Hawaiian Affairs, the Airlines Committee of Hawaii, the Hawaii Watercolor Society, The Chamber of Commerce of Hawaii, the City and County of Honolulu Council on Arts, and concerned members of the community.

Your Committee amended this bill by:

1. Renaming the Hawaii Airports Cultural Development Committee to the Hawaii Airports Cultural Advisory Committee;
2. Clarifying that the committee's purpose is to develop recommendations for the Department of Transportation on multi-cultural influences within the physical structure and operations of the airport facilities;
3. Deleting the provision that the representative of each respective group be appointed by the corresponding administrator;
4. Adding the University of Hawaii, School of Architecture, the Waiaha Foundation, the Airlines Committee of Hawaii, the Hawaii Hotel Association, KFC Airports Inc., the Department of Labor and Industrial Relations, and other agencies or individuals who the Department of Transportation may select;
5. Adding a provision which allows the Department of Transportation to appropriate funding for the committee from the airport special fund; and
6. Technical and non-substantive changes for the purpose of style and clarity.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1081, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. 1081, S.D. 1, H.D. 1, and be referred to the Committee on Tourism.

Signed by all members of the Committee except Representatives Hagino, Shon and Ward.

SCRep. 928-94 Tourism on S.B. No. 2500

The purpose of this bill is to direct the Department of Business, Economic Development and Tourism to identify new markets for development, including ecotourism and cultural tourism, and to appropriate funds to the department for ecotourism and cultural tourism pilot projects in Iao Valley, Maui and Makiki Valley, Oahu.

Your Committee received testimony in support of this bill from Bishop Museum and the Hawaii Visitors Bureau, and other testimony from the Department of Business, Economic Development and Tourism.

Your Committee finds that development of the nature-based segment of the visitor industry (ecotourism), would help Hawaii diversify its visitor base and would enable it to tap into one of the most rapidly growing tourism markets.

Your Committee revised the bill by:

1. Clarifying the provision for adding to the duties of the Office of Tourism the identification of new tourism markets such as ecotourism and cultural tourism;
2. Removing the provision for identifying geographic markets outside the state;
3. Changing the appropriation amount to \$2 -- \$1 for the pilot project on Maui and \$1 for the project on Oahu -- for the purpose of continuing discussion of the bill; and
4. Making technical, non-substantive changes for the purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2500, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2500, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Lee.

SCRep. 929-94 Tourism on S.B. No. 2305

The purpose of this bill is to extend the transient accommodations tax exemption for Kauai facilities from December 31, 1994 to December 31, 1995.

Your Committee received testimony in support of this bill from the Kauai Chapter of the Hawaii Visitors Bureau, and in opposition from the Department of Taxation and the Tax Foundation of Hawaii.

Your Committee revised the bill by:

1. Changing the 1995 end year for the exemption and the 1996 repeal year to unspecified years for the purpose of continuing discussion of the bill; and
2. Making technical, non-substantive changes for the purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2305, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2305, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Lee.

SCRep. 930-94 Tourism on S.B. No. 2507

The purpose of this bill is to appropriate funds to the Department of Business, Economic Development and Tourism for the development and promotion of Hawaii as a honeymoon destination.

Your Committee received testimony in support of this bill from the Department of Business, Economic Development and Tourism, the Hawaii Visitors Bureau, the Kea Lani Hotel, Outrigger Hotels, the Kaanapali Beach Resort Association, Hill and Knowlton/Communications Pacific, Keauhou Visitors Association, Molokai Visitors Association, and Budget Rent a Car.

Your Committee finds that the honeymoon market remains a major source of visitors, despite Hawaii's recent losses to its competitors. Hawaii possesses in abundance the factors that couples identify as having the greatest influence on their selection of honeymoon location: beautiful scenery, warm weather, affordable accommodations, sightseeing and outdoor sports.

Hawaii gains nothing from these advantages, however, if it does not take action and direct adequate resources to this segment of the market.

Your Committee revised the bill by:

1. Changing the appropriation amount to \$1 for the purpose of continuing discussion of the bill;
2. Adding an equal matching funds requirement; and
3. Making technical, non-substantive changes for the purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2507, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2507, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Lee.

SCRep. 931-94 Tourism on S.B. No. 2663

The purpose of this bill is to clarify the liability of hotels for personal injury/property damage resulting from certain ocean activities.

Your Committee received testimony in support of this bill from the Hawaii Hotel Association, the Association of Apartment Owners of the Whaler on Kaanapali Beach, Hilton Hotels Corporation, Hilton Hawaiian Village, Maui Hotel Association, Haseko Property and the Royal Hawaiian Hotel, and in opposition from the Hawaii Academy of Plaintiffs' Attorneys.

Your Committee finds that the existing body of law requires further limitation on the liability of hotels to their guests for injuries incurred on beaches or in the ocean.

Your Committee revised the bill by:

1. Changing: "A hotelkeeper shall only be liable" to "A hotelkeeper shall be liable";
2. Changing: "when such loss or injury is legally caused by the hotelkeeper's failure to warn" to "only when such loss or injury is caused by the hotelkeeper's failure to warn";
3. Changing: "in the ocean" to "in the ocean, and when the hazardous condition is not known to the guest or would not have been known to a reasonably prudent person"; and
4. Making technical, non-substantive changes for the purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2663, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2663, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representative Lee.

SCRep. 932-94 Energy and Environmental Protection on S.B. No. 2107

The purpose of this bill is to amend the state plan to encourage diversification of transportation modes, ensure energy security, and encourage consideration of externalities affecting energy resource decisions.

Existing policy requires the State to promote the development of renewable energy sources and the prudent use of existing power and fuel supplies through conservation and efficiency measures.

The current bill revises the State Plan with respect to telecommunications, transportation and energy by amending Chapter 226 to:

- (1) Separate energy and telecommunications objectives in the Hawaii State Plan;
- (2) Ensure reasonably priced telecommunications service and promote service improvements;
- (3) Encourage alternative transportation fuels through diversified transportation modes and infrastructure;
- (4) Add energy security as a state energy objective;
- (5) Include supply-side, demand-side and cost-effective energy conservation objectives in the state plan;
- (6) Use specific quantitative and qualitative accounting of externalities in determining energy resource options; and
- (7) Promote energy savings as well as energy supplies.

Testimony on behalf of this bill was received from the following agencies and organizations:

- (1) The Department of Business, Economic Development and Tourism;
- (2) The Office of State Planning;
- (3) The Department of Commerce and Consumer Affairs;
- (4) The Energy Coordinator of the County of Kauai;

- (5) The Sierra Club;
- (6) The Life of the Land;
- (7) The Hawaii Energy Coalition; and
- (8) The Hawaiian Electric Company (HECO).

All those who testified spoke in support of the bill, with the exception of the Hawaiian Electric Company, which did not explicitly state a position, for or against the bill. Instead, HECO offered a few revisions in language, which, it believed were needed to correct some inconsistencies in the bill. Most of the testifiers objected to significant language alterations, however, because the current wording had been reached through extensive discussion before arriving at the consensus language.

Accordingly, after free and open discussion, your Committee voted to pass the bill unamended.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2107, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hirono, Nekoba and Takamine.

SCRep. 933-94 Energy and Environmental Protection on S.B. No. 2171

The purpose of this bill is to establish a state procurement office that will require state agencies, and urge county agencies, to purchase recycled products except under specified circumstances. Recycled products covered by the bill include, but are not limited to, paper, glass, plastics, tires, oil, and paving materials.

Testimony supporting the intent of the bill was received from:

- (1) The Department of Accounting and General Services;
- (2) The Department of Business, Economic Development, and Tourism;
- (3) The Department of Health; and
- (4) The Sierra Club.

Testimony provided by the Department of Accounting and General Services and the Department of Business, Economic Development, and Tourism offered amendments to the bill for clarity.

Your Committee believes that this bill would help to increase the production of recycled goods. As demand for recycled goods increases, recycling itself is expected to increase, thereby saving energy, water, landfill space, and other natural resources.

Accordingly, your Committee voted to pass the bill with only minor amendments.

Your Committee amended the bill by:

- (1) Deleting lines 7 through 11 on page 2;
- (2) Inserting the language "It is also part of the broader category of recovered material as defined below." (beginning on line 7 of page 2);
- (3) Deleting "from out-of-state sources" on line 8 of page 3;
- (4) Inserting the word "federal" on page 3, line 9;
- (5) Inserting the words "glass and" and "products" on page 3, line 20; and
- (6) Deleting the language "recycled plastics, sewage sludge, compost," from page 3, line 21.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2171, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2171, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hirono, Nekoba and Takamine.

SCRep. 934-94 Housing on S.B. No. 3293

The purpose of this bill is to expand the responsibilities of the Housing Finance and Development Corporation and require the corporation to focus its efforts on meeting certain housing needs.

Your Committee heard testimony in support of this bill from HFDC and the Department of Housing and Community Development.

Upon further consideration, Your Committee has decided to amend this bill by directing the corporation to find the percentage of residents making 120 percent of the median income or less. The previous version indicated 140 percent.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3293, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3293, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

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

SCRep. 935-94 Housing on H.R. No. 107

The purpose of this resolution is to ask Hawaii's congressional delegation to seek CRA credit for financial institutions which manage rental deposits when the interest is used for a public purpose relating to housing.

Your Committee received testimony in favor of this resolution from the Hawaii Green Party.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 107 and recommends that it be referred to the Committee on Consumer Protection and Commerce.

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

SCRep. 936-94 Housing on H.C.R. No. 118

The purpose of this concurrent resolution is to ask Hawaii's congressional delegation to seek CRA credit for financial institutions which manage rental deposits when the interest is used for a public purpose relating to housing.

Your Committee received testimony in favor of this concurrent resolution from the Hawaii Green Party.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 118 and recommends that it be referred to the Committee on Consumer Protection and Commerce.

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

SCRep. 937-94 Agriculture on S.B. No. 3310

The purpose of this bill is to assist Hilo Coast residents on the island of Hawaii with their economic recovery by enabling certain permittees on state lands to obtain long-term leases.

More specifically, this bill allows the Department of Land and Natural Resources (DLNR) and the Department of Agriculture (DOA), without having to conduct public auctions, to negotiate and enter into leases of state lands with persons holding revocable permits for any agricultural purpose within the North Hilo region.

This bill would convert existing revocable permits into long-term leases.

Your Committee received testimony in support of this bill from the DOA and the Hamakua/North Hilo Agricultural Cooperative. The DLNR also testified in support of the bill, with the amendments specified in its written testimony.

Upon consideration, your Committee has amended this bill by requiring that the payment of annual lease rent be based on fair market value and a premium, equal to a year's rent.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3310, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as S.B. No. 3310, H.D. 2.

Signed by all members of the Committee except Representatives Morihara, Tam and Marumoto.

SCRep. 938-94 Agriculture on S.B. No. 3309

The purpose of this bill is to assist Hamakua residents on the island of Hawaii with their economic recovery by enabling certain permittees on state lands to obtain long-term leases.

More specifically, this bill allows the Department of Land and Natural Resources (DLNR) and the Department of Agriculture (DOA), without having to conduct public auctions, to negotiate and enter into leases of state lands with persons holding revocable permits for a slaughterhouse and feedlot, or for any other agricultural purpose within the Hamakua Community Development District on the island of Hawaii.

This bill would convert existing revocable permits into long-term leases.

Your Committee received testimony in support of this bill from the DOA and the Hamakua/North Hilo Agricultural Cooperative. The DLNR also testified in support of the bill, with some reservations.

Upon consideration, your Committee has amended this bill by requiring that the payment of annual lease rent be based on fair market value and a premium, equal to a year's rent.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3309, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as S.B. No. 3309, H.D. 2.

Signed by all members of the Committee except Representatives Morihara, Tam and Marumoto.

SCRep. 939-94 Agriculture on S.B. No. 2483

The purpose of this bill is to stimulate the production of ethanol by mandating the use of ethanol in transportation fuel.

More specifically, this bill requires the Director of Business, Economic Development, and Tourism to adopt rules to require that gasoline sold in the State for use in motor vehicles contain ten percent ethanol by volume.

Despite the downturn in sugar production due to the closure or impending closure of several sugar companies in the State, there is still considerable economic potential to be derived from Hawaii's canefields. Your Committee believes that the development of ethanol is a prime example of how the sugar industry could be sustained to generate economic opportunities, diversify the economy, create new jobs, and provide an alternative source of energy for the State.

Your Committee finds that ethanol production is being pursued by other countries and in other states as an alternative fuel and as a fuel supplement. For example, ethanol is currently used in Brazil as a valuable source of transportation fuel for various motor vehicles, and has proven to be an effective approach to sustain Brazil's sugar industry. Ethanol is used in Brazil to augment power production in sugar production itself.

Your Committee believes that pursuing the development of ethanol production in the State would contribute to improving the quality of the environment, as ethanol is a renewable resource in contrast to nonrenewable petroleum based fuels. Your Committee further believes that improved environmental quality can justify public subsidies to ethanol production.

Second, ethanol production would help augment farm income. According to the January/February, 1994, issue of Economic Indicators by the Research Department of First Hawaiian Bank, "levels of ethanol production that seem achievable in the coming decade potentially can increase farm income by millions and perhaps even billions of dollars."

Although ethanol production in the State faces significant competition from other ethanol-producing areas, this sugar by-product does merit closer examination.

Upon careful consideration, your Committee has amended this bill by:

- (1) Authorizing the issuance of revenue bonds in the sum of \$15,000,000, for the production of ethanol products in the State;
- (2) Establishing the Ethanol Production Facilities Revolving Fund (Fund) and appropriating an unspecified amount of funds to be paid into the Fund; and
- (3) Making technical, nonsubstantive amendments for clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2483, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2483, H.D. 2.

Signed by all members of the Committee except Representatives Morihara, Tam and Marumoto.

SCRep. 940-94 Agriculture on H.R. No. 119

The purpose of this resolution is to request the University of Hawaii's College of Tropical Agriculture and Human Resources (CTAHR) to examine the nature of multiple-income farm family enterprises and the role these enterprises play in Hawaii's agricultural sector.

CTAHR submitted testimony in general favor of the resolution, but suggested an amendment that would require it to submit a project proposal to the Legislature before beginning a full study.

Your Committee agrees with CTAHR that it is necessary to have a proposal with a full budget estimate before beginning a study on multiple-income farm families in Hawaii. Consequently, your Committee has amended the resolution by:

- (1) Changing the title from "REQUESTING THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES OF THE UNIVERSITY OF HAWAII TO EXAMINE THE NATURE OF MULTIPLE-INCOME

FARM FAMILY ENTERPRISES AND THE ROLE THESE ENTERPRISES PLAY IN HAWAII'S AGRICULTURAL SECTOR" to "REQUESTING THAT THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES OF THE UNIVERSITY OF HAWAII DEVELOP A PROJECT PROPOSAL FOR A STUDY TO EXAMINE THE NATURE OF MULTIPLE-INCOME FARM FAMILY ENTERPRISES AND THE ROLE THESE ENTERPRISES PLAY IN HAWAII'S AGRICULTURAL SECTOR;"

- (2) Requesting that CTAHR develop a proposal, including a full budget estimate, for a study on multiple-income farm families in Hawaii;
- (3) Requesting that CTAHR submit this proposal to the Legislature no later than twenty days prior to the convening of the Regular Session of 1995; and
- (4) Making other technical, nonsubstantive amendments for purposes of style and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 119, as amended herein, and recommends that it be referred to the Committee on Higher Education and the Arts in the form attached hereto as H.R. No. 119, H.D. 1.

Signed by all members of the Committee except Representatives Tam and Marumoto.

SCRep. 941-94 Agriculture on H.C.R. No. 131

The purpose of this concurrent resolution is to request the University of Hawaii's College of Tropical Agriculture and Human Resources (CTAHR) to examine the nature of multiple-income farm family enterprises and the role these enterprises play in Hawaii's agricultural sector.

CTAHR submitted testimony in general favor of the concurrent resolution, but suggested an amendment that would require it to submit a project proposal to the Legislature before beginning a full study.

Your Committee agrees with CTAHR that it is necessary to have a proposal with a full budget estimate before beginning a study on multiple-income farm families in Hawaii. Consequently, your Committee has amended the concurrent resolution by:

- (1) Changing the title from "REQUESTING THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES OF THE UNIVERSITY OF HAWAII TO EXAMINE THE NATURE OF MULTIPLE-INCOME FARM FAMILY ENTERPRISES AND THE ROLE THESE ENTERPRISES PLAY IN HAWAII'S AGRICULTURAL SECTOR" to "REQUESTING THAT THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES OF THE UNIVERSITY OF HAWAII DEVELOP A PROJECT PROPOSAL FOR A STUDY TO EXAMINE THE NATURE OF MULTIPLE-INCOME FARM FAMILY ENTERPRISES AND THE ROLE THESE ENTERPRISES PLAY IN HAWAII'S AGRICULTURAL SECTOR;"
- (2) Requesting that CTAHR develop a proposal, including full budget estimate, for a study on multiple-income farm families in Hawaii;
- (3) Requesting that CTAHR submit this proposal to the Legislature no later than twenty days prior to the convening of the Regular Session of 1995; and
- (4) Making other technical, nonsubstantive amendments for purposes of style and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 131, as amended herein, and recommends that it be referred to the Committee on Higher Education and the Arts in the form attached hereto as H.C.R. No. 131, H.D. 1.

Signed by all members of the Committee except Representatives Tam and Marumoto.

SCRep. 942-94 Agriculture on H.R. No. 160

The purpose of this resolution is to request the Hawaii Papaya Administrative Committee to study the factors that have contributed to the decrease in the quality of Hawaii's papaya crops and the actions necessary to curtail and reverse this trend.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 160 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Tam and Marumoto.

SCRep. 943-94 Agriculture on H.R. No. 221

The purpose of this resolution is to request the Department of Agriculture (DOA) to submit recommendations for research on methods to eliminate the ivy gourd in Hawaii.

The Chairperson of the Board of Agriculture submitted testimony in favor of the resolution, noting that DOA is already examining several promising leads in the area of natural pest enemies of the ivy gourd.

Your Committee has amended the resolution by making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 221, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 221, H.D. 1.

Signed by all members of the Committee except Representatives Tam and Marumoto.

SCRep. 944-94 Agriculture on H.C.R. No. 169

The purpose of this concurrent resolution is to request the Auditor to conduct a management audit of the College of Tropical Agriculture and Human Resources (CTAHR) of the University of Hawaii to determine:

- (1) Whether the types of research efforts conducted by CTAHR are beneficial to the local agricultural industry; and
- (2) Whether the fruits of these efforts are being shared with the industry.

CTAHR at the University of Hawaii at Manoa submitted comments on this concurrent resolution.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 169 and recommends that it be referred to the Committee on Higher Education and the Arts.

Signed by all members of the Committee except Representatives Tam and Marumoto.

SCRep. 945-94 Education on S.B. No. 2095

The purpose of this bill as received is to expand the Parent-Community Networking Centers Program to include an additional fifty schools by appropriating an unspecified amount to the Department of Education.

The Hawaii State Teachers Association, the Waiakeawaena School PTA, the support teachers at Queen Kaahumanu School, and several concerned citizens submitted testimony in support of this measure. The Department of Education submitted testimony in support of the intent of this measure. A concerned citizen submitted testimony in opposition to this measure.

After free and open discussion, your Committee has amended this bill by:

- (1) Inserting an appropriation amount of \$100,000 for fiscal year 1994-1995; and
- (2) Making technical, nonsubstantive revisions for purposes of clarity, style, and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2095, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2095, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hagino, M. Ige, Lee, Shon, Taniguchi, Yonamine and Tanimoto.

SCRep. 946-94 Education on S.B. No. 2715

The purpose of this bill as received by your Committee is to appropriate funds to establish twenty-eight additional, permanent, full-time athletic trainer positions in the public schools.

Athletic trainers play an important and vital role in Hawaii's schools by providing students the proper care necessary to treat injuries inflicted during practices or games. Your Committee finds that the ten athletic trainers in the present pilot program have been an indispensable source of care to the athletes they have treated. Furthermore, in the unfortunate event of a serious injury, athletic trainers provide the highest quality of care for our young athletes, and may help avoid costly law suits.

Numerous testifiers, including the Department of Education, certified athletic trainers, coaches, and the athletic trainers in the pilot program, voiced their strong support of this measure.

Your Committee has amended this measure by making the appropriation fund ten instead of twenty-eight full-time athletic trainer positions. Your Committee realizes the importance of these positions but must account for the tight economic situation in which we currently live, and the availability of certified athletic trainers. It is hoped that if monies become available to fund the full twenty-eight positions, all will be funded.

This measure has also been amended by:

- (1) Adding a new section which makes permanent the ten athletic trainer positions in the current pilot project; and
- (2) Making technical, non-substantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2715, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2715, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hagino, M. Ige, Lee, Shon, Yonamine and Tanimoto.

SCRep. 947-94 Education and Higher Education and the Arts on S.B. No. 2837

The purpose of this bill is to provide an exemption for public educational facilities from the historic preservation law when a structure is destroyed by violence of nature or human agency.

Your Committees received testimony in support of this bill from the Department of Education. Testimony in opposition to this bill was submitted by the Department of Land and Natural Resources.

Your Committees have amended this bill as follows:

- (1) Deleting the word "human agency" from line 7 of Section 1 of this bill; and
- (2) Making technical and nonsubstantive changes to this bill for purposes of style, consistency, and clarity.

As affirmed by the records of votes of the members of your Committees on Education and Higher Education and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2837, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2837, S.D. 1, H.D. 1, and be referred to the Committee on Water and Land Use Planning.

Signed by all members of the Committees except Representatives Hagino, M. Ige, Shon, Stegmaier, Yonamine and Tanimoto.

SCRep. 948-94 Labor and Public Employment on S.B. No. 2192

The purpose of this bill is to provide additional positions and make an unspecified appropriation to the Hawaii Civil Rights Commission for the purpose of reducing the caseload per investigator and expediting the disposition of cases.

Your Committee received testimony in support of this bill from the Hawaii Civil Rights Commission (Commission), the Hawaii State Coalition Against Sexual Assault, and a private citizen.

The Chamber of Commerce of Hawaii testified in opposition to this bill.

Your Committee finds that the Commission is mandated to receive, investigate, conciliate, and hold hearings on complaints alleging unlawful discriminatory practices under Chapter 489, Hawaii Revised Statutes (HRS), Chapter 515, HRS, and Part I of Chapter 378, HRS. As of June 30, 1993, there were 922 cases under investigation or litigation. The average number of case closures is thirty cases per month, while the average number of new complaints per month is thirty-four. It is projected that by July 1, 1994, the number of open cases will remain constant unless additional investigators are hired.

Further, the Legislative Auditor's study (Report No. 89-8, January 1989) stated that investigators can handle twenty-five to thirty cases at any given time. The current caseload of Commission investigators far exceeds this mark and cannot be sustained indefinitely.

Your Committee believes this appropriation is necessary to ensure that the Commission can carry out its mission. This bill has been amended by inserting the figure of \$1 to further discussion. Also, this bill has been amended by making a technical, non-substantive change for the purpose of style and clarity.

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2192, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2192, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Alcon and Ward.

SCRep. 949-94 Housing on S.B. No. 2342

The purpose of this bill, as received by your Committee, is to improve the functioning of the Rental Housing Trust Fund by:

- (1) Providing discretion to the Rental Housing Trust Fund Commission to set an amount to be subsequently authorized by the Legislature which may be used for administrative expenses. Currently, one percent of the Rental Housing Trust Fund is the maximum that may be expended for this purpose;
- (2) Authorizing the Rental Housing Trust Fund Commission to hire an executive director and administrative assistant, and also to contract with consultants;
- (3) Clarifying the definition of "nonprofit organization";
- (4) Authorizing the Rental Housing Trust Fund to be used for capacity building of nonprofit housing developers; and
- (5) Clarifying the membership of the Rental Housing Trust Fund Commission.

Your Committee notes that a very similar measure, H.B. No. 1312, H.D. 1, passed Third Reading in the House of Representatives and has been scheduled for a hearing in the Senate. As such, S.B. 2342, S.D. 1, is duplicative and unnecessary.

Your Committee has amended the bill by removing its substance and replacing it with the requirement that proceeds in the Homes Revolving Fund be transferred to the Rental Housing Trust Fund. This creates an additional source of revenue for the development of affordable rental housing, which is critically needed in Hawaii.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2342, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2342, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

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

SCRep. 950-94 Higher Education and the Arts on S.B. No. 3253

The purpose of this bill is to appropriate funds for the 1994 bicentennial anniversary celebration of the arrival of Hispanics in Hawaii.

Testimony in support of this bill was received from the Department of Accounting and General Services, Hawaii Hispanic Chamber of Commerce, The Chamber of Commerce of Hawaii, United States Hispanic Chamber of Commerce, and Hispanic Employment Council.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3253, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Yonamine and Tanimoto.

SCRep. 951-94 Higher Education and the Arts on S.B. No. 3105

The purpose of this bill is to appropriate \$150,000 to enable the State Foundation on Culture and the Arts (foundation) to develop a program to foster ethnic pluralism in Hawaii in conjunction with the National Endowment for the Humanities.

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

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3105, S.D. 2, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Yonamine and Tanimoto.

SCRep. 952-94 Higher Education and the Arts on S.B. No. 3254

The purpose of this bill is to appropriate \$5,000 for the celebration of the 1994 Samoan Flag Day.

Testimony in support of this bill was received from the Department of Accounting General Services.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3254, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Yonamine and Tanimoto.

SCRep. 953-94 Higher Education and the Arts on H.R. No. 26

The purpose of this resolution is to request that the University of Hawaii expand its outreach efforts on the neighbor islands by actively determining the need of neighbor island residents, delivering the needed courses, programs, and degrees, and equalizing as far as possible the outreach efforts on each island.

Your Committee received testimony generally in support of this resolution and requested that this resolution be amended to reflect that the transfer of responsibility for this outreach effort has not taken place from the University of Hawaii at Manoa to the community colleges.

Your Committee has amended this resolution as follows:

- (1) Deleting lines 29 through 32 regarding the transfer of overall responsibility for outreach from the University of Hawaii at Manoa to the community colleges; and
- (2) Making technical and nonsubstantive changes for purposes of style, consistency, and clarity.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 26, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 26, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Yonamine and Tanimoto.

SCRep. 954-94 Higher Education and the Arts on H.C.R. No. 25

The purpose of this concurrent resolution is to request that the University of Hawaii expand its outreach efforts on the neighbor islands by actively determining the needs of neighbor island residents, delivering the needed courses, programs, and degrees, and equalizing as far as possible the outreach efforts on each island.

Your Committee received testimony generally in support of this concurrent resolution by the University of Hawaii and requested that this concurrent resolution be amended to reflect that the transfer of responsibility for this outreach effort has not taken place from the University of Hawaii at Manoa to the community colleges.

Your Committee has amended this concurrent resolution as follows:

- (1) Deleting lines 29 through 32 regarding the transfer of overall responsibility for outreach from the University of Hawaii at Manoa to the community colleges; and
- (2) Making technical and nonsubstantive changes for purposes of style, consistency, and clarity.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 25, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 25, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Yonamine and Tanimoto.

SCRep. 955-94 Health on S.B. No. 2041

The purpose of this bill is to permit psychologists to initiate an application to have individuals involuntarily admitted into a licensed psychiatric facility.

Proponents of the intent of this measure included the Department of Health, the Hawaii Medical Association, the National Association of Social Workers, Hawaii Chapter, the Hawaii Psychological Association, and various other individuals.

It was recognized by your Committee that the use of clinical psychologists, who are qualified through training and experience to perform many of the assessments and interventions included in mental health, would increase the availability of quality health care services to the community and improve access to care. However, your Committee also realizes that some aspects of mental health care should be conducted solely by medical doctors or psychiatrists.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2041, S.D. 1, and recommends that it pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary.

Signed by all members of the Committee except Representatives Arakaki and Tanimoto.

SCRep. 956-94 Health on S.B. No. 2899

The purpose of this measure is to exempt from liability those health care providers licensed to practice under the laws of our State, who provide volunteer medical and health services to indigent patients in our State.

Testimonies from the Department of Health, the Hawaii Federation of Physicians and Dentists, the Retired Physicians Committee, the Aloha Medical Mission, and the Alger Foundation supported this measure.

The Hawaii Academy of Plaintiffs Attorneys supported the intent of this measure but requested that a clarification provision be included.

Your Committee finds that physicians are reluctant to volunteer their services to the medically indigent because of the fear of litigation. The Retired Physicians Committee stated that between two hundred and three hundred additional physicians can be expected to volunteer their services if this liability issue is resolved.

Upon examination of the bill, your Committee has made the following amendments:

- (1) Including language that required that a volunteer health care provider first be approved, in writing, by the Director of Health;
- (2) Adding language that held the State liable in the event of negligence;
- (3) Amending language to allow the State to recover losses from health care providers provided that gross negligence, wanton acts, or omissions occurred; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, style, and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2899, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2899, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 957-94 Health on H.R. No. 112

The purpose of this resolution is to request the Department of Health and the Department of Education to develop guidelines for temperature and ventilation for classroom facilities.

Testimonies in support of this resolution were received from the Department of Health and the Department of Education.

It was understood by your Committee that poor indoor air quality within school classrooms can severely impact the health and well-being of students and teachers. Furthermore, such conditions may cause direct health problems.

In addition, problems such as heat and ventilation in the classroom facilities can result in lack of concentration, fatigue, and a general reduction in learning abilities. Your Committee feels that if the children of Hawaii are going to be educated, we need to create an environment that is conducive to learning and not one in which learning can be hindered.

After careful consideration, your Committee has amended this resolution by:

- (1) Amending the title by calling for the development of various plans of action for temperature and ventilation controls for classroom facilities; and
- (2) Adding language that calls for the Department of Education to publicize current temperature standards and make clear recommendations to the teachers as to what action to take when temperatures exceed a standard; and
- (3) Inserting language that asks that other alternatives for ventilation and temperature controls be pursued through consultation with a landscape architect; and
- (4) Amending language to include School-Community Based Management (SCBMs) and School Advisory Councils as part of the process of determining needs for temperature and ventilation controls; and
- (5) Making other technical, nonsubstantive amendments for the purposes of clarity, conformity, and style.

It should also be noted that your Committee was very concerned with the exploration of options, such as landscaping, grading, shading, trellising, the use of solar panels to decimate heat, and other methods which could be used to increase ventilation and control temperatures within the classroom.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 112, as amended herein, and recommends that it be referred to the Committee on Education in the form attached hereto as H.R. No. 112, H.D. 1.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 958-94 Health on H.C.R. No. 123

The purpose of this concurrent resolution is to request the Department of Health and the Department of Education to develop guidelines for temperature and ventilation for classroom facilities.

Testimonies in support of this concurrent resolution were received from the Department of Health and the Department of Education.

It was understood by your Committee that poor indoor air quality within school classrooms can severely impact the health and well-being of students and teachers. Furthermore, such conditions may cause direct health problems.

In addition, problems such as heat and ventilation in the classroom facilities can result in lack of concentration, fatigue, and a general reduction in learning abilities. Your Committee feels that if the children of Hawaii are going to be educated, we need to create an environment that is conducive to learning and not one in which learning can be hindered.

After careful consideration, your Committee has amended this concurrent resolution by:

- (1) Amending the title by calling for the development of various plans of action for temperature and ventilation controls for classroom facilities; and
- (2) Adding language that calls for the Department of Education to publicize current temperature standards and make clear recommendations to the teachers as to what action to take when temperatures exceed a standard; and
- (3) Inserting language that asks that other alternatives for ventilation and temperature controls be pursued through consultation with a landscape architect; and
- (4) Amending language to include School-Community Based Management (SCBMs) and School Advisory Councils as part of the process of determining needs for temperature and ventilation controls; and
- (5) Making other technical, nonsubstantive amendments for the purposes of clarity, conformity, and style.

It should also be noted that your Committee was very concerned with the exploration of options, such as landscaping, grading, shading, trellising, the use of solar panels to decimate heat, and other methods which could be used to increase ventilation and control temperatures within the classroom.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 123, as amended herein, and recommends that it be referred to the Committee on Education in the form attached hereto as H.C.R. No. 123, H.D. 1.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 959-94 Housing on S.B. No. 3306

The purpose of this bill, as received by your Committee, is to provide housing and related assistance to employees of the Hamakua Sugar Company and the Hilo Coast Processing Company who will be losing their jobs as a result of the closure of these two businesses.

Your Committee notes that a very similar measure, H.B. No. 3600, H.D. 1, passed Third Reading in the House of Representatives and has been scheduled for a hearing in the Senate. As such, S.B. No. 3306, S.D. 2, is duplicative and unnecessary.

The bill has been amended by removing its substance and replacing it with provisions that make similar efforts to provide housing and related assistance to the employees of the Waiialua Sugar Co., which is pending closure in the near future. As amended, the bill addresses the immediate housing needs of Waiialua Co. employees by creating the following:

- (1) An emergency loan program to provide temporary assistance in making mortgage payments;
- (2) Emergency subsidies to assist in making rent payments; and
- (3) A grant program addressing administrative, maintenance, and critical infrastructure improvement costs to ensure the continuation of plantation camp housing.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3306, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3306, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

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

SCRep. 960-94 Human Services and Housing S.B. No. 2288

The purpose of this bill is to exempt transitional housing for abused family or household members from the provisions of Chapter 521, Hawaii Revised Statutes, relating to the Landlord-Tenant Code.

Testimony from the Child and Family Service, Hawaii State Commission on the Status of Women, and four private individuals was received in strong support of this measure. The Legal Aid Society of Hawaii submitted testimony in opposition to this measure.

It is noted by your Committees that exempting transitional facilities for domestic abuse victims from the Residential Landlord-Tenant Code ("the Code") will help to assure that individuals, whose actions jeopardize or compromise the safety of the other residents of the facility, are removed in a timely manner. This measure will assist efforts to preserve such facilities as a haven for victims who need a safe place to go.

In such cases where a program participant disregards the rules of the facility, it would be necessary to correct the situation quickly without having to go through the legal system or having to give the 45 day notice as required by the Code.

It is noted by your Committees that the Legal Aid Society expressed concerns regarding the lack of, or total absence of, adequate due process or grievance procedures for evictions of participants at other transitional shelters already excluded from the Code. Your Committees look to the Committees on Consumer Protection and Commerce and Judiciary for their guidance in resolving this matter.

As affirmed by the records of votes of the members of your Committees on Human Services and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2288 and recommend that it pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary.

Signed by all members of the Committees except Representatives Duldulao, Peters and White.

SCRep. 961-94 Higher Education and the Arts on S.B. No. 2980

The purpose of this bill as received is to permanently re-establish the University of Hawaii at Manoa and Hilo intercollegiate athletic revolving funds scheduled for repeal on June 30, 1994, under Act 280, Session Laws of Hawaii 1993.

The University of Hawaii Athletic Department submitted testimony in support of this measure.

Upon careful consideration, your Committee has amended this bill by:

- (1) Repealing Section 41 of Act 280, Session Laws of Hawaii 1993 in order to delete the June 30, 1994, drop dead clause; and
- (2) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2980, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2980, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Yonamine and Tanimoto.

SCRep. 962-94 Education on S.B. No. 2176

The purpose of this bill as received is to exempt from the general excise tax law, amounts received by nonprofit associations organized to benefit and assist public elementary, intermediate, and high schools within the State; provided that the principal of the school shall annually certify in writing to the Director of Taxation, the amounts received by the school from the association and that the association is eligible for the exemption.

The Department of Education and several concerned citizens submitted testimony in support of this measure. The Tax Foundation of Hawaii and the Hawaii Association of Independent Schools submitted comments on this measure. Testimony in opposition to this measure was submitted by the Department of Taxation and the Hawaii State PTSA.

After free and open discussion, your Committee has amended this bill by:

- (1) Inserting clarifying language to specifically identify nonprofit associations organized under the Internal Revenue Code of 1986, Section 501(c)(3), as amended;
- (2) Deleting the provision that the principal of each public school shall annually certify in writing to the Director of Taxation the amounts received by the school from the association and that the association is eligible for the exemption; and
- (3) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2176, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2176, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Stegmaier, Yonamine and Tanimoto.

SCRep. 963-94 Energy and Environmental Protection on S.B. No. 2863

The purpose of this bill is to authorize the Department of Health to utilize funds from the environmental response revolving fund to address problems associated with the contamination of drinking water.

Testimony supporting the intent of S.B. No. 2863, S.D. 1, was received from:

- (1) The Department of Health (DOH); and
- (2) The Sierra Club.

Testimony opposing the bill was received from the following organizations:

- (1) The Western States Petroleum Association;
- (2) The Hawaii Transportation Association;
- (3) BHP Petroleum Americas, Inc.;
- (4) The Tax Foundation of Hawaii; and
- (5) The Hawaiian Sugar Planters' Association.

All those who testified in opposition to the bill specifically objected to the extension of the use of the environmental response revolving fund for waste pollution problems that are unrelated to petroleum contamination.

In oral testimony, the Department noted that the contaminants found in drinking water are commonly petroleum-based. Your Committee believes, therefore, that it is not unreasonable to use the revolving fund to deal with the water contamination.

Your Committee notes that the current bill relies entirely on already existing taxes to fund the program.

Your Committee also believes it is critical to use existing sources of funds to support the drinking water program. If funds are not provided for such purposes, the State may lose its jurisdictional primacy over environmental management of water systems, as the Department noted in its testimony. Loss of primacy would cost the State untold millions of dollars to comply with federal regulations. On Maui alone, the cost of upgrading drinking water systems to meet federal regulations was estimated to be \$200 million.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2863, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hirono, Nekoba and Takamine.
(Representative Hiraki voted no.)

SCRep. 964-94 Energy and Environmental Protection on S.B. No. 3205

The purpose of this bill is to allow the counties to issue bonds to pay environmental clean-up and remediation costs, environmental liabilities or other liabilities incurred by a county.

Testimony supporting the intent of S.B. No. 3205, S.D. 2, was received from the Department of Finance of the City and County of Honolulu. The Department's testimony stressed that federal environmental regulations impose liabilities and financial responsibilities on municipalities which are not imposed upon the states. This bill allows the counties to utilize all its financial resources to meet these obligations while not having any financial impact on the State. The Department requested that the bill be amended to its original form, because the Senate's amendments reflected in S.D. 2 make the bill's application too restrictive.

Your Committee recognizes the fiscal concerns of the Department of Finance and agrees that the bill's original language was more satisfactory in meeting these concerns. The language referred to is identical in H.B. No. 3688, H.D. 1, and S.B. 3205, S.D. 2, H.D. 1. Accordingly, your Committee voted to pass S.B. No. 3205, S.D. 2, with amendments, as requested by the Director of Finance.

Your Committee amended the bill by inserting the following language on Page 2, line 9: "(c) Bonds may also be issued for such other purposes as may from time to time be authorized by other provisions of general law."

The Committee has been advised that the Attorney General is preparing an opinion on various aspects of the bill.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3205, S.D. 2, as amended

herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3205, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hirono, Nekoba and Takamine.

SCRep. 965-94 Energy and Environmental Protection on S.B. No. 2180

The purpose of this bill, as received by your Committee, is to require the Department of Health to:

- (1) Study the problem it is having with regard to delays in issuing closure reports, i.e. "no further action" letters;
- (2) To develop a process to ensure the prompt issuance of "no further action" letters upon the proper filing of reports detailing remediation of storage sites; and
- (3) Submit a report to the Legislature on its findings and recommendations related to this problem.

Testimony strongly supporting S.B. No. 2180, S.D. 1 was received from the following organizations:

- (1) The Hawaii Petroleum Marketers Association;
- (2) The Hawaii Transportation Association;
- (3) The Western States Petroleum Association; and
- (4) The National Association for Office and Industrial Properties.

The Department of Health also testified in support of the S.B. No. 2180, S.D. 1, while the Sierra Club voiced some concerns about the bill. Specifically, the Sierra Club was concerned that the Department of Health lacked the financial and personnel resources to fulfill its obligations in a timely manner.

Those testifying in support of the bill emphasized the economic importance of having the Department of Health issue underground storage tank closure reports (i.e. "no further action" letters) promptly. Delays cause many properties to lie idle resulting in loss of revenue both to applicants as well as to the State.

For the purpose of clarity, it should be noted that the Department of Health does not issue closure reports per se, but reviews reports submitted to it. What is technically at issue, is the Department's issuance of a letter indicating that, in the Department's judgement, no further action is necessary for a particular site at this time. The Department attributed current and past delays to insufficient resources and testified that it has taken managerial steps to streamline the process.

Your Committee expects that contaminated areas must undergo remediation in full compliance of the law but that the Department should also issue the proper notification in a timely fashion.

Your Committee decided to amend the bill by removing its current language and replacing it with the language of H.B. 2424. This was done because your Committee feels that the House language is more explicit in directing the Department to improve its procedures for the timely issuance of closure reports, rather than requesting the Department to study the problem.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2180, S.D. 1, as amended herein, and recommends that it pass Second Reading if the form attached hereto as S.B. No. 2180, S.D. 1, H.D. 1, and be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee except Representatives Hirono, Nekoba and Takamine.

SCRep. 966-94 Energy and Environmental Protection on S.B. No. 2161

The purpose of this bill, as received by your Committee, is to appropriate funds to conduct a statewide household hazardous waste collection project.

Your Committee finds that households throughout the State generate small quantities of hazardous waste on a continuous basis. To avoid possible impacts to the environment and to prevent further contamination of Hawaii's groundwater resources, household wastes exhibiting hazardous properties should be segregated from those wastes that are generally collected by the counties for disposal in the landfills of the State.

Written testimony on behalf of S.B. 2161 was submitted by:

- (1) The Department of Health;
- (2) The Hawaii Pest Control Association;
- (3) The Sierra Club, Hawaii Chapter;
- (4) The Hawaii Food Industry; and

(5) Hawaiian Earth Products, Ltd.

All those who testified expressed their strong support for the bill and urged that it be passed. The Department of Health requested that the bill be amended to replace the one-time appropriation with language establishing a permanent household waste collection program. The Department testified that the counties had indicated their willingness to contribute to a permanent coordinated effort, to include public education on waste-minimization.

Your Committee amended the bill by deleting its current language and replacing it with language to:

- (1) Define "household hazardous waste";
- (2) Direct the Department to develop and administer a statewide hazardous waste program in coordination with the counties to:
 - (a) educate the public about household waste minimization;
 - (b) handle, store, transport, and dispose of household hazardous waste;
 - (c) coordinate these and other related activities with the counties; and
 - (d) report to the Legislature each regular session on the expenditures made and the collection projects undertaken by the program; and
- (3) Appropriate \$50,000 for the establishment of the outreach and educational element of the program. This bill provides the Department of Health with the funds to collect and discard household hazardous wastes in the proper manner.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2161, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2161, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 967-94 Transportation on S.B. No. 811

The purpose of this bill is to exempt first time offenders convicted of certain traffic related offenses from providing proof of financial responsibility (SR-22).

Your Committee finds that persons convicted of reckless or inattentive driving, driving while under the influence of intoxicating liquor or drugs, driving while a license is suspended or revoked, or driving without no-fault insurance are required to provide proof of financial responsibility in order to maintain their driving privileges. Your Committee finds that the majority of people required to provide proof of financial responsibility forgo the filing of an SR-22 because of the prohibitive cost.

Your Committee received testimony from the Judiciary, the State Attorney General, the Office of the Public Defender, the County of Kauai Department of Finance, The Chamber of Commerce of Hawaii, Mothers Against Drunk Driving, the City and County of Honolulu Department of Finance, Paul J. Cunney, and the Hawaii Insurers Council.

Your Committee has amended this bill by:

- (1) Retaining the original statutory language in Section 287-20, Hawaii Revised Statutes;
- (2) Deleting failure to have an effective no-fault policy as an offense for which proof of financial responsibility is required; and
- (3) Incorporating various technical and non-substantive amendments for the purpose of style and clarity.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 811, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 811, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Hagino and Shon.

SCRep. 968-94 Transportation on S.B. No. 905

The purpose of this bill is to establish a mechanism in the event the Department of Transportation fails to reach negotiated agreements relating to airports system rates and charges with the air carriers and other users of the State's airport system.

Your Committee finds that the Department of Transportation currently has the authority to set reasonable rates and charges for users of the State's airport system. Your Committee finds that clearer statutory language will better enable the

department to establish rates in the event negotiations between the department and its airport users and lessees fail. Your Committee further finds that legislative review of set rates and charges will provide sufficient oversight to ensure that the rates and charges are fair and reasonable.

Your Committee received testimony from the Department of Transportation, the Tax Foundation of Hawaii, and the Airlines Committee of Hawaii.

Your Committee has amended this bill by:

- (1) Clarifying all references to the airport system by further defining the system as the "statewide system of airports;"
- (2) Requiring a public hearing in the event the Director of Transportation sets the rates, rentals, fees, and charges;
- (3) Clarifying the procedure which mandates the Director of the Department of Transportation to submit to the Legislature for approval or disapproval rates, rentals, fees, and charges which are set by the Director;
- (4) Including a section that requires the provisions of this Act to be performed pursuant to the United States Constitution and any other applicable federal grant, law or regulation;
- (5) Adding a section to ensure that this Act does not hinder the receipt of any federal aid nor impair any obligation of the State to bond holders;
- (6) Adding a severability clause; and
- (7) Incorporating various technical and non-substantive amendments for the purpose of style and clarity.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 905, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 905, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hagino, Yonamine and Ward.

SCRep. 969-94 Transportation on S.B. No. 2405

The purpose of this bill is to include the implementation of congestion management strategies in the expenditure of moneys from the state highway fund.

Your Committee finds that traffic congestion has become an ever increasing problem for our island residents. Your Committee finds that there are limited infrastructure solutions to address the traffic dilemma, and that solutions that decrease the number of single occupant vehicles should be sought. Your Committee further finds that the Department of Transportation's Highway Division must create and educate the public on its traffic congestion management strategies to help minimize the State's traffic burden.

Your Committee received testimony from the Department of Transportation, The Chamber of Commerce of Hawaii, and the Leeward Oahu Transportation Management Association.

Your Committee has amended this bill by:

- (1) Adding provisions that clarify the areas state highway fund moneys may be expended; and
- (2) Incorporating various technical and non-substantive changes for the purpose of style and clarity.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2405, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2405, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hagino and Shon.

SCRep. 970-94 Transportation on S.B. No. 2787

The purpose of this bill is to eliminate the point assessment for all decriminalized traffic offenses.

Your Committee finds that most decriminalized traffic offenses are moving or equipment violations which carry the minimum range of points. Your Committee finds that by eliminating the range of points for decriminalized traffic offenses, the courts will be able to better identify problem drivers.

Your Committee received testimony from the Judiciary.

Your Committee has amended this bill by:

1. Retaining the proposed deletion in Section 2 which pertained to the granting of six credit points for an individual if no violation has been charged against that individual twenty-four months immediately preceding the violation; and
2. Incorporating various technical and non-substantive changes for the purpose of style and clarity.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2787, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2787, H.D. 1, and be referred to the Committees on Consumer Protection and Commerce and Judiciary.

Signed by all members of the Committee except Representatives Hagino and Shon.

SCRep. 971-94 Transportation on S.B. No. 2793

The purpose of this bill is to clarify existing statutes to allow judges to require driver re-education as an appropriate sentencing alternative in traffic cases.

Your Committee finds that there is no clear statute authorizing the use of driver education as a sentencing alternative for traffic violation offenders. Your Committee finds that to eliminate this confusion, an amendment to the current statute is necessary which allows District Court judges to sentence offenders to driver retraining, in addition to other penalties.

Your Committee received testimony from the Department of Transportation and the Judiciary.

Your Committee has amended this bill by making technical changes for the purpose of style and clarity.

As affirmed by the records of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2793, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2793, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Hagino and Shon.

SCRep. 972-94 Transportation on S.B. No. 3320

The purpose of this bill is to impose restrictions on the use of a passenger facility charge (PFC) by requiring the Department of Transportation to submit for approval by the Legislature any proposed passenger facility charge.

Your Committee finds that passenger facilities charges (PFCs) are used by airports to finance needed capital improvement projects. Your Committee finds that PFCs can provide the ability to raise needed additional funds to support improvements and capacity enhancements at our statewide airport system. Your Committee further finds that the implementation of PFCs may impose some hardship on the State's tourism industry and on residents who frequently travel interisland.

Your Committee received testimony from the Department of Transportation and The Chamber of Commerce of Hawaii.

Your Committee has amended this bill by:

- (1) Clarifying the proposed passenger facility charge reporting procedures to require the department to submit its report to the Legislature prior to the next legislative session for approval or disapproval;
- (2) Adding a section which requires the performance of this act be conducted according to the United States Constitution and any other federal grant agreement, law, or regulation; and
- (3) Incorporating various technical and non-substantive changes.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3320, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3320, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hagino, Yonamine and Ward.

SCRep. 973-94 Legislative Management on S.B. No. 1576

The purposes of this bill are to:

- (1) Require the Joint Legislative Budget Committee (Committee) to review the recommendations of the State Auditor in the report entitled, "Report No. 93-2, Study of the Fiscal Relationship Between Hawaii's Legislative and Executive Branches", and develop legislation and recommendations to implement the recommendations made in the report;

- (2) Require the Committee, in consultation with the Legislative Analyst, the Auditor, and the Executive Branch, to review and analyze the State budgetary law and process to identify areas of the law and process that are in need of improvement, and to develop appropriate legislation and recommendations to carry out the necessary reform;
- (3) Enumerate the duties of the Committee;
- (4) Require the Committee to appoint the Legislative Analyst and two deputies; and
- (5) Appropriate funds to carry out this bill.

Testimony in support of this bill was submitted by Common Cause Hawaii. The Administrative Director of the Office of the Governor and the Department of Budget and Finance submitted comments on this bill.

After free and open discussion, your Committee amended this bill by clarifying that the Legislative Analyst is required to develop a budget and organizational plan to achieve the overall purposes of this bill and Chapter 21F, Hawaii Revised Statutes, and by making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Legislative Management that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1576, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1576, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Young.

SCRep. 974-94 Legislative Management on S.B. No. 2701

The purpose of this bill as received by your Committee is to establish a permanent public access program to ensure improved public participation in the legislative process.

This bill proposes to accomplish this by:

- (1) Establishing in the State Capitol a Public Access Room (Room) in which the public will be allowed to utilize various equipment, services, and facilities to enhance their ability to participate in the legislative process;
- (2) Appropriating funds for the purposes of providing cable television broadcasts of the 1995 legislative session;
- (3) Appropriating funds for the installation of equipment such as cameras, cables, and control panels; and
- (4) Appropriating funds for the staffing, operating, and equipping of the Room.

Testimony in support of this measure was submitted by the American Association of Retired Persons, the Hawaii Green Party, the Hawaii State Student Council, the Hawaii Teamsters Local 996 PAC, Hawaii Right to Life, Common Cause Hawaii, the League of Women Voters of Honolulu, the Law Offices of Paul J. Cunney, Olelo: the Corporation for Community Television, the Honolulu District of Ka Lahui Hawaii, the Kokua Council for Senior Citizens, the Hawaii Audubon Society, a member of Neighborhood Board No. 12, and concerned citizens.

After free and open discussion, your Committee has amended this bill by deleting the bill's substantive contents and replacing it with language contained in H.B. No. 2730, H.D. 1.

As amended by your Committee, this bill:

- (1) Establishes the Room as a politically neutral, nonpartisan office of the Legislature;
- (2) Enumerates the functions of the Room;
- (3) Authorizes the Legislature to hire personnel to staff the Room;
- (4) Requires the Legislature to provide:
 - (a) Suitable quarters for the Room's staff; and
 - (b) For the acquisition of all necessary equipment, furniture, and supplies necessary for the efficient operation of the Room;
 and
- (5) Appropriates funds for the staffing, equipment, supplies, furniture, and program development.

Your Committee believes that these amendments will improve and increase the public's participation in the legislative process.

As affirmed by the record of votes of the members of your Committee on Legislative Management that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2701, S.D. 2, as amended herein, and

recommends that it pass Second Reading in the form attached hereto as S.B. No. 2701, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Young.

SCRep. 975-94 Public Safety and Corrections on S.B. No. 3015

The purpose of this bill, as received, is to authorize the Director of Public Safety (Director) to transfer a felon to any out-of-state correctional institution, whether or not the state in which the institution is situated is a member of the Western Interstate Corrections Compact; provided that the out-of-state correctional institution is in compliance with the standards of the American Correctional Association and is operated by that state or by a private institution.

Supportive testimony was submitted by the Department of Public Safety.

Comments were also submitted by the Corrections Population Management Commission and the Public Defender.

The Director testified that this bill would provide the Department of Public Safety with the ability to develop creative ways of handling offenders with present resources.

However, the Public Defender raised concerns that inmates with a local support system would be transferred to other states against their will.

An enormous factor in an inmate's rehabilitation is the inmate's ability to receive visits or phone calls from friends and relatives. It appears that visits or phone calls to an inmate would be greatly reduced, if not eliminated, if an inmate with a local support system is transferred to a mainland correctional center.

In light of this, it is the intent of your Committee that any inmate having a strong, nurturing support system in Hawaii that contributes to the inmate's rehabilitation shall not be considered for interstate transfer.

After careful consideration, your Committee has amended this bill by deleting its substance and inserting the provisions of H.B. No. 3477, H.D. 1, which was reported out of your Committee earlier this session.

More specifically, the bill, as amended:

- (1) Authorizes the Director of Public Safety to transfer a felon to any out-of-state correctional institution regardless of whether the state in which the institution is situated is a member of the Western Interstate Corrections Compact;
- (2) Provides that an interstate transfer of an inmate be authorized if:
 - (A) The out-of-state correctional institution is in compliance with the standards of the American Correctional Association, and operated by either that state or by a private institution; and
 - (B) The transfer is either in the interest of the security or good management of the State correctional facility where the inmate is presently placed, or in the interest of the inmate;

and
- (3) Provides that all out-of-state inmate transfers be in accordance with rules adopted by the Director pursuant to Chapter 91, Hawaii Revised Statutes.

Your Committee believes that the bill, as amended, will adequately address the Public Defender's concerns.

As affirmed by the record of votes of the members of your Committee on Public Safety and Corrections that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3015, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3015, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Tom and White.

SCRep. 976-94 Public Safety and Corrections on S.B. No. 3037

The purpose of this bill is to transfer the functions and authority of the Department of Health related to the provision of mental health services in state correctional facilities, to the Department of Public Safety.

Supportive testimony was submitted by the Department of Public Safety and the Department of Health.

After careful consideration, your Committee has amended this bill by deleting its substance, and inserting provisions of H.B. No. 3461, H.D. 1, which was reported from your Committee earlier this session.

More specifically, the bill, as amended:

- (1) Transfers the functions and authority exercised by the Director of Health relating to the provision of mental health services to inmates, to the Director of Public Safety;

- (2) Clarifies that the transfer of a correctional inmate to the Hawaii State Hospital be dependent upon, among other things, a certificate of a psychiatrist employed by either the Department of Health or Department of Public Safety;
- (3) Provides that the foregoing provisions take effect on July 1, 1994.

As affirmed by the record of votes of the members of your Committee on Public Safety and Corrections that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3037, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3037, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Tom and White.

SCRep. 977-94 Transportation on S.B. No. 3322

The purpose of this bill is to amend section 261C-20, Hawaii Revised Statutes, relating to the regulation of Hawaii air carriers.

Your Committee finds that current State laws allow for any person who is providing air transportation between two points within the State under the authority granted by the U.S. Department of Transportation be deemed qualified and issued a certificate to operate under the proposed re-regulation of Hawaii air carriers. Your Committee finds that the enactment of this legislation certified the two existing inter-island air carriers, but excluded other carriers whose applications with the federal government were pending.

Your Committee received testimony from the Department of Transportation and Aloha Airlines.

Your Committee has amended this bill by:

- (1) Adding a provision that the air carrier must have been issued a certificate of public convenience and necessity by the U.S. Department of Transportation as a prerequisite to being issued a certificate to operate under the proposed re-regulation of Hawaii air carriers;
- (2) Specifying that the carrier must not have violated the Federal Aviation Act during the time their application was pending with the U.S. Department of Transportation; and
- (3) Incorporating various technical and non-substantive changes for the purpose of style and clarity.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3322, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3322, S.D. 1, H.D. 1, and be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee except Representatives Hagino, Yonamine and Ward.

SCRep. 978-94 Labor and Public Employment on S.B. No. 2630

The purpose of this bill is to make state law consistent with the Americans with Disabilities Act by protecting qualified non-disabled persons from discrimination in employment and public accommodations because of their association or relationship to a person with a disability.

Testimony in support of this measure was submitted by the International Longshoremen's and Warehousemen's Union, Local 142, the Commission on Persons with Disabilities, the Hawai'i Civil Rights Commission, and the Proactive Workers' Task Group.

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2630, S.D. 2, and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Signed by all members of the Committee.

SCRep. 979-94 Labor and Public Employment on S.B. No. 2544

The purpose of this bill is to increase the maximum amount of unemployment insurance benefits payable to workers from 26 to 52 weeks when:

- (1) Unemployment is the result of a plant closure; and
- (2) A new claim for unemployment insurance benefits is claimed between June 1, 1993, and May 31, 1994.

Testimony in support of this measure was submitted by the Hawaii State AFL-CIO and ILWU 142.

Testimony in opposition was submitted by the Department of Labor and Industrial Relations, the National Federation of Independent Business, and The Chamber of Commerce of Hawaii.

Concerns were raised that this measure may create additional burdens for employers by increasing employer unemployment insurance contributions. In addition, this bill may adversely affect the solvency of the Unemployment Insurance Trust Fund.

To address these and other concerns, your Committee has amended this measure so that it would only affect workers who were unemployed because of the Hamakua Sugar Company plant closure. By narrowing the scope of the bill, your Committee hopes to provide for the needs of the unemployed Hamakua Sugar workers and assure the viability of the Unemployment Insurance Trust Fund.

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

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2544, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2544, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 980-94 Energy and Environmental Protection on S.B. No. 2162

The purposes of this bill as received by your Committee are to:

- (1) Establish an Indoor Air Pollution Program to educate the public about Indoor Air Quality (IAQ); and
- (2) Establish and coordinate a government-wide IAQ assessment network.

By way of a brief background, during the past two decades, the Legislature has focused much of its efforts in improving the quality of the environment by enacting legislation that made cleaning up the ambient air and water quality a top priority, and helped prevent further pollution of the ambient environment, as well as remediate past pollution. Citizens of this country spend up to ninety percent of a day indoors and, as a result, have a significant potential for exposure to indoor air contaminants, especially in enclosures with poor ventilation. As such, recent evidence indicates that indoor air pollutants may pose serious health threats to the general public. Therefore, there is a need to focus the efforts of the State on developing an IAQ program that would assist in conducting public education programs, as well as establish and coordinate a government-wide IAQ assessment network.

One of the primary and recognized causes of many indoor air problems is a direct result of poorly designed and maintained mechanical ventilation systems for which the Department of Health (Department) has authority over. The current ventilation program consists of a single staff person, who is responsible for regulating the statutory requirements, as well as the provisions of the Department's administrative rules.

Current public and worker requirements for greater indoor comfort and proper ventilation result in a significant increase in the number of new building plans requiring departmental review and approval, with no concomitant increase in program resources. In effect, the current ventilation program can barely maintain plan review and approvals at appropriate levels.

This bill would address the concerns relating to IAQ, as well as move toward a resolution to public health problems of indoor air through an effective ventilation program.

After free and open discussion, your Committee has amended this bill by:

- (1) Incorporating language from H.B. No. 2644, which would enable the Department to partially fund the operating costs of the Wastewater Treatment and Disposal Program by:
 - (a) Authorizing the Director of Health to establish fees for permits and variances;
 - (b) Requiring that all fees collected be deposited into the Environmental Management Special Fund (Fund); and
 - (c) Clarifying that the Department may expend funds in the Fund to support the costs of plan review and approval, and final inspection of individual wastewater systems;
- (2) Incorporating language from H.B. No. 1267, which would establish a Public Intervenor who would be authorized to intervene in administrative proceedings or to initiate administrative or judicial proceedings, to ensure that state agencies comply with environmental laws, and that natural resources are protected.

Government agencies often have conflicting mandates. The Department of Business, Economic Development, and Tourism is charged with promoting business. Part of the Department of Transportation's responsibilities is to build roads. The Housing Finance and Development Corporation builds housing. The Department of Agriculture promotes agriculture. Because of these priorities, the environment is often neglected. Even those agencies entrusted with protecting our environment are torn by conflicting mandates. For example, divisions within the Department of Land and Natural Resources are charged with protecting resources and promoting resource extraction. Currently, most agencies consider a range of factors (economic, cultural, social, and environmental) in making decisions. Because economic interests so often dominate discussions, environmental issues are sometimes not considered as seriously. The State needs an environmental advocate to protect the public's interest in Hawaii's natural resources, and the Public Intervenor will fill that role; and

- (3) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2162, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2162, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 981-94 Energy and Environmental Protection on S.B. No. 3258

The purpose of this bill as received by your Committee is to enhance the ability of the Department of Health (Department) to protect the environment of Hawaii, and assure compliance with existing environmental laws.

This bill proposes to accomplish this by:

- (1) Conforming the State's Water Pollution Control Laws to federal requirements of the National Pollutant Discharge Elimination System (NPDES);
- (2) Authorizing the Director of Health (Director) to regulate not only wastewater, but also the byproducts of wastewater (such as reclaimed water, sewage sludge, and other removed substances) regardless of where they are used or disposed, through water pollution permits, and to create a unified enforcement regime for wastewater;
- (3) Clarifying that monetary penalties may be imposed both through administrative proceedings and civil lawsuits with respect to the pollution control statutes on water, drinking water, air, noise, solid waste, hazardous waste, underground storage tanks, used oil, and asbestos;
- (4) Clarifying that non-criminal penalties for obstructing inspections may also be imposed administratively;
- (5) Expanding the list of factors that are to be considered in imposing administrative penalties, to conform with the 1993 Energy and Environmental Summit bills on air and water pollution administrative penalties; and
- (6) Increasing the civil and administrative penalties for water pollution and hazardous waste violation from \$10,000 to \$25,000 per offense per day.

By way of a brief background, the Clean Water Branch and Wastewater Branch of the Department currently administers the Water Pollution Control and the Wastewater Systems sections of the Hawaii Administrative Rules (HAR). The Water Pollution Control section of HAR implements the NPDES permits established by the federal Clean Water Act (CWA). To maintain its authority as an NPDES state, including the authority to issue NPDES permits, Hawaii must have procedures and requirements at least as stringent as those required by the CWA. This bill would enable the Department to meet these federal requirements.

The Department is also attempting to regulate sewage sludge use and disposal in NPDES permits, and is regulating the use of reclaimed wastewater. Although other statutes already authorize the Director and the Department to regulate sewage sludge and wastewater that does not enter state waters, centralizing regulatory authority will promote ease of administration and consistency in enforcement. This bill would provide for these desirable ends.

Also, the State has taken the position that penalties for violations of pollution control laws may originate in civil lawsuits as well as administrative proceedings. Unfortunately, the Circuit Court recently ruled otherwise, citing its interpretation of chapter 342D, Hawaii Revised Statutes (HRS), to mean that administrative hearings are required for monetary penalties before any resort to court is allowed. This bill would amend numerous sections in HRS to clarify what the administration believes the Legislature's original intent was. While the Department historically has started many administrative cases and very few civil lawsuits in the water pollution area, the flexibility of choice allows the State to tailor enforcement actions to better fit the offenses.

The Sierra Club, Hawaii Chapter submitted testimony in support of this bill. While offering testimony in support of this bill, the Attorney General proposed a few amendments.

Hawaiian Electric Company, Inc., submitted comments on this bill.

After free and open discussion, your Committee has amended this bill by:

- (1) Incorporating language from H.B. No. 2640, H.D. 1, which would enable the Department to better monitor the activities of "hazardous waste brokers" by:
 - (a) Defining "hazardous waste brokers";
 - (b) Requiring these brokers to obtain an identification number from the Department; and
 - (c) Requiring these brokers to file a notification with the Department stating the location and general description of the hazardous waste handling activity of the broker;

and

- (2) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3258, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3258, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committee.

SCRep. 982-94 Labor and Public Employment on S.B. No. 2900

The purpose of this bill is to set standards for the award of concession shops in facilities constructed with special purpose revenue bonds.

Specifically, this measure would give a ten percent advantage to a nonprofit corporation, whose primary purpose is to advance the training and employment of disabled persons, submitting a bid for a concession. In addition, 80 percent of the full-time persons employed in the concession would have to be disabled.

Testimony supporting the intent of this measure was submitted by the Healthcare Association of Hawaii and Makaala Inc.

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

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2900, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as S.B. No. 2900, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 983-94 Labor and Public Employment on S.B. No. 2240

The purposes of this bill are to:

- (1) Codify a specific standard in prohibited practice cases before the Hawaii Labor Relations Board (Board) involving an alleged breach of the duty of fair representation;
- (2) Authorize the Board to impose sanctions against a party who files a complaint in violation of Section 89-14(b), Hawaii Revised Statutes; and
- (3) Authorize the Board to issue interlocutory orders where there is reasonable cause to believe that a prohibited practice has occurred.

Your Committee received testimony from the Board expressing reservations about codifying the holding of Air Line Pilots Ass'n Int'l v. O'Neill, 499 U.S. 65 (1991) regarding cases involving an alleged breach of the duty of fair representation by an exclusive bargaining representative. The Board further testified that they already have the authority to issue interlocutory orders in prohibited practice cases.

The United Public Workers, Local 646, testified in support of this bill.

Your Committee finds that unions have been subjected to frivolous prohibited practice complaints based on the duty of fair representation. Currently, the union has no legal recourse against a party filing a frivolous complaint. Providing a substantive threshold for prohibited practice cases and allowing sanctions to be awarded, where appropriate, will alleviate this problem.

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2240, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 984-94 Water and Land Use Planning on S.B. No. 2020

The purpose of this bill is to:

- (1) Establish University of Hawaii development zones in Kapolei on the island of Oahu, and West Hawaii on the island of Hawaii;
- (2) Exempt the UH-Kapolei and West Hawaii projects from State land use requirements;
- (3) Provide the Board of Regents of the University of Hawaii with the exclusive authority and responsibility to develop, construct, operate, and maintain campuses at Kapolei and West Hawaii; and

- (4) Provide tax relief incentives to facilitate the development of housing for students and faculty.

Your Committee received testimony from the University of Hawaii, the City and County Planning Department, the Estate of James Campbell, and the League of Women Voters of Honolulu.

Your Committee finds that there is no specific reason for the University to be exempted from all land use proceedings. Therefore, this bill has been amended by:

- (1) Deleting lines 15-17 of Section 1, which states the purpose of exempting the University from state requirements relating to land use for development;
- (2) Deleting Section 5, which exempts the University of Hawaii Kapolei and West Hawaii development zones from all state land use laws; and
- (3) Making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2020, S.D. 2, H.D. 1, as amended herein, and recommends it be referred to the Committee on Finance, in the form attached hereto as S.B. 2020, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Kanoho and Tajiri.

SCRep. 985-94 Water and Land Use Planning on S.B. No. 2695

The purpose of this bill is to allow a lessee of public lands with a lease period of less than 55 years from date originally entered into, to apply to the board of land and natural resources (under certain conditions) to extend the lease term to the extent necessary to qualify for a mortgage.

Testimony in support of this measure was received from the Department of Land and Natural Resources and the Olomana Golf Links.

Your Committee finds that it will serve the greater interest of the lessees to extend the lease period from fifty-five years to sixty-five years. Therefore, your Committee has amended this bill by:

- (1) Changing the lease period from fifty-five years to sixty five years on lines 7 and 16 on page 1;
- (2) Deleting "to" and inserting "may" on line 9, page 1; and
- (3) Making technical nonsubstantive changes for clarity and style.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2695, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2695, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Kanoho and Tajiri.

SCRep. 986-94 Water and Land Use Planning on S.B. No. 2885

The purpose of this bill is to place jurisdiction over all state construction projects relating to the secondary urban center at Kapolei with the Housing Finance and Development Corporation, and appropriates an unspecified sum to the department of budget and finance.

Your Committee received testimony from the Department of Accounting and General Services, the Housing Finance and Development Corporation, and a private citizen.

The Housing Finance and Development Corporation testified that if they were to use their resources to carry out the intent of this bill, they will not be able to fulfill their original purpose of expediting affordable housing development. Your Committee agrees with the intent of this bill but realizes that without the necessary resources the stated objectives will not be achieved.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2885, S.D. 2, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Kanoho and Tajiri.
(Representative Thielen voted no.)

SCRep. 987-94 Water and Land Use Planning on S.B. No. 2921

The purpose of this bill, as received, is to exempt the Hawaii community development revolving fund from paying:

- (1) The five percent charge on special funds to defray the prorated estimate of central service expenses of state government; and
- (2) Its pro rata share of the administrative expenses incurred by the Department of Business, Economic Development, and Tourism.

By way of background, the Hawaii Community Development Authority (HCDA) is authorized to implement a district-wide improvement program for Kakaako and to issue bonds to finance the program. Property owners who specifically benefit from the public improvements are assessed their proportionate share of the improvement costs. According to Section 206E-6(g), Hawaii Revised Statutes (HRS), all sums collected under this section are deposited into the Hawaii community development revolving fund, except that moneys collected on account of assessments and interest for any specific public facilities financed by the issuance of bonds shall be set apart in a separate special fund. These special fund revenues are applied solely to the payment of the principal and interest on these bonds as well as other costs. Your Committee finds that this bill was originally intended to exempt the revenues in this special fund, and not the Hawaii community development revolving fund, from the central service as well as administrative expenses mandated under Sections 36-27 and 36-30, HRS.

Accordingly, your Committee has amended this bill by:

- (1) Exempting the special fund established by Section 206E-6(g), HRS, and not the Hawaii community development revolving fund from the requirements of Sections 36-27 and 36-30, HRS (page 2, line 3 and page 3, line 7); and
- (2) Correcting certain typographic, technical, and stylistic errors.

HCDA testified in support of this amendment.

As amended, this bill will help to reduce the assessment payments owed by Kakaako property owners for the cost of infrastructure improvements. The amended provisions would enable HCDA to utilize a larger amount of revenues deposited in the special fund for the payment of principal and interest due on bonds and costs related to infrastructure improvements.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2921, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2921, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Kanoho and Tajiri.

SCRep. 988-94 Water and Land Use Planning on S.B. No. 2924

The purpose of this bill is to enable the Aloha Tower Development Corporation to retain a larger share of its revenues from the Aloha Tower fund to meet its contractual and statutory obligations. This bill would exempt the Aloha Tower fund from paying:

- (1) The five percent charge on special funds to defray the prorated estimate of central service expenses of state government; and
- (2) Its pro rata share of the administrative expenses incurred by the Department of Business, Economic Development, and Tourism.

According to the Corporation, this bill would correct inequities created by the broad brush application of Sections 36-27 and 36-30, Hawaii Revised Statutes (HRS). Because most of the revenues received by the Corporation are simply passed through to other agencies, the provisions of Sections 36-27 and 36-30, HRS, could result in multiple exactions of these revenues from the Corporation as well as the agencies that receive the revenues.

Upon further consideration, your Committee has inserted a new Section 3 to the bill which would allow the Corporation to:

- (1) Defray costs associated with overall waterfront redevelopment projects around Honolulu Harbor; and
- (2) Collect fees from developers to cover costs incurred in furtherance of the Honolulu Waterfront Project.

The Corporation testified that the State currently has no way of recouping costs incurred to the State in the preparation of bid packages, requests for proposals, planning and feasibility analysis, printing costs, and so forth. This amendment to Section 206J-17, HRS, would enable the State to collect fees for services performed and costs incurred. These costs can then be charged back to a developer or bidders on specific projects, eventually resulting in significant savings to the State.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2924, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2924, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Kanoho and Tajiri.

SCRep. 989-94 Water and Land Use Planning on S.B. No. 2954

The purpose of this bill is to increase the fines imposed for fires set during a fire danger period (including restitution) and for obstructing a State forester or fire warden in the performance of any duty authorized by Chapter 185, Hawaii Revised Statutes.

Your Committee received testimony from the Department of Land and Natural Resources.

In testimony, the Department of Land and Natural Resources agreed with the current draft of this measure that action must be taken to deter careless and thoughtless fire risk behavior. However, without the amendments which establishes responsibilities for fire protection measures, the effect of this bill would be minimal.

Your Committee has therefore made the following amendments to the bill by:

- (1) Establishing in the Department of Land and Natural Resources the positions of administrator of forestry and wildlife and forestry wildlife manager;
- (2) Clarifying the procedures for handling wildfires; and
- (3) Making technical, nonsubstantive amendments for the purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2954, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2954, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Kanohe and Tajiri.

SCRep. 990-94 Education on S.B. No. 2199

The purpose of this bill as received by your Committee is to appropriate funds for the training of security guards for Hawaii's public school campuses.

The Department of Education testified that it currently has a viable training program in place and that funds should instead be appropriated for funding substitute security guards during the time which the existing security guards receive further training.

Your Committee has amended this measure by:

- (1) Deleting references to the training of security guards who work at Hawaii's public school campuses; and
- (2) Making the Department of Education the expending agency.

Your Committee notes that security guards on school campuses require unique skills, different from the typical security in other facilities or agencies. The Department of Education should ensure that the training include interpersonal relations, communications, and other skills more appropriate for a school setting.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2199, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2199, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Duldulao, M. Ige, Stegmaier, Yonamine and Tanimoto.

SCRep. 991-94 Education on S.B. No. 2093

The purpose of this bill is to establish the adult and community education commission to act as the principal state entity responsible for developing a long-range programmatic and facilities plan for the statewide implementation of adult and community education programs, and to appropriate an unspecified sum to the Department of Education for the commission.

Your Committee received testimony generally in support of this bill from the Hawaii Adult and Community Education Advisory Council and the Department of Education. The Hawaii Adult and Community Education Advisory Council requested that this bill be amended to include representation by the State Adult and Community Education Section of the Department of Education, the Department of Education community school principals, and the Hawaii State Council on Adult and Community Education.

Your Committee has amended this bill as follows:

- (1) Amending subsection (b) of Section 2 of this bill to include the chairperson of the State Council on Adult and Community Education, the administrator of the State Adult and Community Education Section of the

Department of Education, and a principal representative of the Department of Education community school principals as members of the commission; and

- (2) Deleting the requirement of a status report and requiring the commission to submit only a final report to the Governor and the Legislature; and
- (3) Making technical and nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2093, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2093, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Duldulao, Hagino, M. Ige, Lee, Taniguchi, Yonamine and Tanimoto.

SCRep. 992-94 Education and Higher Education and the Arts on S.B. No. 2896

The purpose of this bill is to appropriate funds to support arts education in Hawaii's public schools.

Testimony in support of this measure was received from many organizations, including the Department of Education, the State Foundation on Culture and the Arts, the Hawaii Alliance for Arts Education, and the Honolulu City Commission on Culture and the Arts.

Your Committee has amended this bill by:

- (1) Deleting from the Works of Art Special Fund the requirement to develop a master plan for an integrated high school learning center for the Pacific arts;
- (2) Deleting the provision which states that expenditures for art education under subsection (b)(5) shall be made by the Department of Education except as otherwise provided by law;
- (3) Deleting the section which states that federal funding opportunities and matching state funds can be used to create a school-within-a-school where the educational curriculum reflects and incorporates a polynesian orientation toward learning through the use of varied art forms;
- (4) Requiring the Department of Education, in cooperation with the State Foundation on Culture and the Arts, the Hawaii Alliance for Arts Education, and other interested arts organizations, to conduct a feasibility study of the learning center before a master plan is developed for the project;
- (5) Requiring the Department of Education instead of the State Foundation on Culture and the Arts to report its findings and recommendations to the Legislature;
- (6) Changing the expending agency for the feasibility study and the master plan, to be the Department of Education;
- (7) Deleting the sections which appropriate funds for the hiring of a technician; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Education and Higher Education and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2896, S.D. 2 as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2896, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Apo, Duldulao, M. Ige, Yonamine and Tanimoto.

SCRep. 993-94 Higher Education and the Arts on S.B. No. 3088

The purpose of this bill is to appropriate funds for the documentation and preservation of the traditional Hawaiian methods of fishpond operation.

Your Committee received testimony generally in support of this bill from the State Foundation on Culture and the Arts (SFCA), the Hawaii C's Aquaculture Consultant Services, the Hawaiian Fishpond Revitalization Project, the Office of Hawaiian Affairs (OHA), the Department of Land and Natural Resources (DLNR), and private citizens.

Your Committee recognizes the importance of documenting the construction, operation, and maintenance of Molii fishpond insofar as it remains one of the few commercial fishponds in operation which uses traditional Hawaiian methods. Your Committee also recognizes that documentation of the knowledge and experience of operation of the fishpond is in jeopardy with the fishpond operators becoming too elderly to maintain and document the operation of the fishpond.

Your Committee finds that all parties which testified in support of this legislation will cooperate to the fullest extent possible to facilitate the documentation and preservation of the experience and knowledge of traditional Hawaiian fishpond operation.

Your Committee has amended this bill as follows:

- (1) Amending Section 2 of this bill by appropriating general revenues to the historic division of the DLNR instead of to the SFCA;
- (2) Amending Section 2 of this bill to include the cooperation of the SFCA, OHA, the Center of Oral History of the University of Hawaii, and the landowner in documenting and preserving the experience and knowledge of traditional Hawaiian fishpond operation; and
- (3) Making technical and nonsubstantive changes for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3088, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 3088, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Chumbley, Hagino, D. Ige, Shon and Takumi.

SCRep. 994-94 Tourism on S.B. No. 2499

The purpose of this bill is to clarify the responsibilities of the Department of Business, Economic Development and Tourism, and the Hawaii Visitors Bureau. The bill directs the department to:

1. Develop a tourism strategic plan;
2. Monitor and audit the HVB marketing and advertising programs;
3. Coordinate the development and improvement of public infrastructure and visitor attractions;
4. Develop and implement sports and cultural visitor events;
5. Undertake tourism research projects, including carrying capacity analysis;
6. Maintain a tourism impact management system;
7. Monitor product quality and service quality;
8. Coordinate tourism related activities in state government;
9. Work to encourage or provide industry education and training; and
10. Assist in the development and implementation of tourism awareness programs.

The bill directs the HVB to:

1. Develop and carry out marketing and advertising programs;
2. Maintain visitor satisfaction and complaint programs; and
3. Undertake consumer market research programs.

In addition, the bill directs the department, in coordination with the HVB, to develop an annually updated marketing plan.

The bill also repeals Chapter 203, Hawaii Revised Statutes, and adds the provisions from Chapter 203 regarding terms and conditions of the tourism promotion contract, disclosure of gifts and in-kind contributions, and the tourism marketing plan to Section 201.

The bill also adds new provisions requiring:

1. The bureau to respond directly to information requests by state officials;
2. An equal match of funds from private sources before release of state funds; and
3. The adoption of standard contract management procedures, provided that the Director of Business, Economic Development and Tourism may withhold release of funds.

Your Committee received testimony commenting on this bill from the Department of Business, Economic Development and Tourism and the Hawaii Visitors Bureau.

Your Committee finds that a clear description of the duties of the department and the bureau with respect to each other would enable each to better fulfill their tourism promotion missions. Consolidation of Chapter 203 and Chapter 201, Part VII, Hawaii Revised Statutes, would greatly simplify the laws applicable to tourism promotion, but would also cause problems with other measures pending in the Legislature.

Your Committee revised the bill by:

1. Removing all provisions relating to the repeal of Chapter 203 and the insertion of those statutes into Chapter 201, Part VII;
2. Changing the name of the new section in Chapter 201 from "Strategic tourism marketing actions" to "Strategic tourism marketing";
3. Removing the provision directing the department to develop and implement sports and cultural visitor events;
4. Removing the provision directing the department to develop an annually updated plan;
5. Removing the provision requiring the bureau to respond directly to information requests by state officials;
6. Changing the matching fund requirement to specify the release of state funds for advertising to the bureau only if it secures equal matching funds;
7. Removing the provision allowing the director to withhold the release of funds;
8. Making technical, non-substantive changes for the purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2499, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2499, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Ishii-Morikami and Marumoto.

SCRep. 995-94 Labor and Public Employment on S.B. No. 2563

The purpose of this bill is to authorize the imposition of twelve percent annual interest on an award of unpaid wages, costs, and penalties assessed under Chapter 388, Hawaii Revised Statutes.

Your Committee received testimony in support of this bill from the Department of Labor and Industrial Relations and the ILWU Local 142.

The Chamber of Commerce of Hawaii and the Hawaii Business League testified in opposition to this bill.

Your Committee finds that unreasonable delays in paying wages cause immediate financial hardship, as well as a host of other social and emotional stresses for the unpaid worker. Accruing interest will expedite payment of back wages, especially where the employer would have otherwise chosen to intentionally delay payment.

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2563 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Signed by all members of the Committee.

SCRep. 996-94 Labor and Public Employment on S.B. No. 3179

The purposes of this bill are to:

- (1) Set criteria for identifying communities in which satellite State offices should be located; and
- (2) Convert six information specialist II positions to permanent status.

Testimony in support of this bill was received from the Director of the State Satellite Office Program in the Office of Information, the Kaneohe State Satellite Manager, and private citizens.

Your Committee finds that the State Satellite Office Program is fulfilling its purpose. Further, it is well received by members of the public who might otherwise find their access to government hindered.

Your Committee believes that this program should continue to be expanded. Further, no financial impact is anticipated since the program is included in the Office of the Governor's budget.

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3179, S.D. 2, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee.
(Representative Alcon voted no.)

SCRep. 997-94 Intergovernmental Relations and International Affairs on S.B. No. 2109

The purposes of this bill are to:

- (1) Increase the percentage of royalties paid to the counties from geothermal resource mining from thirty to forty percent; and
- (2) Repeal Chapter 196D, Hawaii Revised Statutes.

Your Committee received testimony on this measure from the Department of Land and Natural Resources (DLNR), Life of the Land, and the Sierra Club.

Both DLNR and Life of the Land testified that they preferred that existing percentage of royalties collected by the State for geothermal resources mining remain at the status quo with 50 percent-30 percent-20 percent of the royalties going to the State-Counties-OHA, respectively.

Your Committee finds that the State's policy regarding large-scale geothermal projects no longer necessitates the existence of Chapter 196D, Hawaii Revised Statutes.

Accordingly, your Committee has amended this bill by deleting provisions increasing the percentage of royalties paid to the counties and making technical, nonsubstantive amendments to conform with drafting standards.

As affirmed by the record of votes of the members of your Committee on Intergovernmental Relations and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2109, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2109, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Alcon and Hagino.

SCRep. 998-94 Intergovernmental Relations and International Affairs on S.B. No. 2198

The purpose of this bill is to exempt all property of a judgment debtor from attachment and execution, where judgment is in favor of any state for failure to pay that state's income tax or other retirement plan benefits.

Your Committee received testimony in support of the bill from the National Association of Retired Federal Employees, and Hawaii residents who may be affected by source taxes levied by other states. Your Committee also received testimony in opposition to the bill from the State of Hawaii Department of Taxation.

Your Committee believes that it is unfair to allow the property of a Hawaii retiree to be attached in payment for taxes levied by another state, of which the retiree is no longer a resident. This would amount to taxation without representation, and imposes severe hardship on our retirees. The state has a responsibility towards its citizens, particularly the elderly.

Your Committee is also aware that taxes paid to states with a source tax on pensions could involve sums of money that would otherwise be spent in the State of Hawaii.

As affirmed by the record of votes of the members of your Committee on Intergovernmental Relations and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2198 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Alcon and Hagino.

SCRep. 999-94 Water and Land Use Planning on S.B. No. 2928

The purpose of this bill is to amend Chapter 201E-210, Hawaii Revised Statutes, to require that the Land Use Commission publish hearing notices on land use petitions in a newspaper of general circulation in the State, as well as once in a newspaper of general circulation in the county, not less than 15 days prior to a hearing. Currently, the minimum advance-notice requirement is 30 days.

Testimony in support of this measure was given by the State Land Use Commission and the Housing Finance and Development Corporation.

Your Committee finds that because a 30-day period takes up two-thirds of the 45-day processing timeframe allocated under Section 201E-210, requiring notices to be published at least 15 days in advance would allow more time to be spent on the hearing and decision-making process.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2928, S.D. 1, H.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Kanoho and Thielen.

SCRep. 1000-94 Water and Land Use Planning on S.B. No. 3161

The purpose of this bill is to extend the sunset date of Act 237, Session Laws of Hawaii 1988, by one year to July 1, 1995 and to require the Department of Land and Natural Resources to establish a policy to expedite the completion of lease negotiations.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and several individuals from the farming community.

The intent of this measure is to allow the Department of Land and Natural Resources to establish policies that will result in expediting ongoing lease negotiations.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3161, S.D. 2, H.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Kanoho and Thielen.

SCRep. 1001-94 Water and Land Use Planning and Energy and Environmental Protection on S.B. No. 2272

The purpose of this bill is to make an appropriation to the Department of Agriculture for the implementation of a biological and hydrologic monitoring program for the Waikolu well development project on Molokai.

Testimonies in support of this measure was received from the Department of Agriculture, Department of Hawaiian Home Lands, Hawaii Farm Bureau, Molokai Irrigation System Water User Advisory Board, and private citizens.

The Hawaii Farm Bureau testified that there is talk of agricultural companies leaving Molokai due to current water restrictions. The existing pumping limitation of the Molokai Irrigation System may result in the diminishment of supply that will necessitate rationing. If this happens, there will be no agricultural growth on Molokai resulting in a considerable amount of jobs being lost on the island.

Your Committees recognizes the urgency of the project moving forward and has amended this bill by changing the duration of the monitoring program from a minimum of "two years" to a minimum of "one year" on line 6, page 1.

Testimony revealed that the Molokai water situation results from action taken by the State Water Commission. Your Committees are hopeful that the Commission will be open to taking any necessary action within its authority, to mitigate the negative impacts of the water restrictions on the community.

As affirmed by the records of votes of the members of your Committees on Water and Land Use Planning and Energy and Environmental Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2272, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2272, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Hiraki, Hirono, Kanoho and Tajiri.

SCRep. 1002-94 Water and Land Use Planning and Energy and Environmental Protection on S.B. No. 2956

The purpose of this bill is to strengthen Hawaii's forest industry potential and development. This bill would:

- (1) Allow landowners to harvest new trees planted according to a management plan approved by the Department of Land and Natural Resources (DLNR) on:
 - (a) Lands within the agricultural district; or
 - (b) Degraded forests and pasture on lands within the conservation district and zoned for commercial forest use;
- (2) Stipulate that the State's liability as a result of the right to harvest new trees shall be limited to actions taken only by the State, and shall not extend to any private property rights; and
- (3) Require that the management plan shall be available to the public prior to approval.

Testimony was submitted by the DLNR; the Sierra Club, Hawaii Chapter; Kamehameha Schools/Bernice Pauahi Bishop Estate; the Sierra Club Legal Defense Fund, Inc.; the Hawaii Forest Industry Association; Life of the Land; and the Hawaii Audubon Society.

Upon further consideration, your Committees have amended this bill by requiring that:

- (1) The trees which may be harvested must be managed according to the management plan (Section 1);

- (2) The landowner's right to harvest trees is subject to the power of the State to protect health, safety, welfare, or the environment (Section 1);
- (3) The definition of "degraded forests" includes a requirement that the native vegetation must have been removed prior to January 1, 1994 (Section 1);
- (4) The application for classification of property as a tree farm shall include a biological survey inventorying all endangered species found on the property (Section 2);
- (5) The management plan includes information regarding conservation techniques to prevent specific environmental impacts (Section 2); and
- (6) The Board of Land and Natural Resources (BLNR) to determine that the proposed use will not have a significant effect on a native forest ecosystem before classifying a property as a tree farm property (new Section 3).

Your Committees have further amended this bill by:

- (1) Authorizing the BLNR to require alteration of the management plan to adapt to current conditions (Section 2);
- (2) Providing the BLNR with the discretion to classify a property as a tree farm property even if the application meets all of the requirements (new Section 3); and
- (3) Making technical, nonsubstantive amendments for the purposes of style and clarity.

As affirmed by the records of votes of the members of your Committees on Water and Land Use Planning and Energy and Environmental Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2956, S.D. 1, H.D. 1, as amended herein, and recommend that it be referred to the Committee on Judiciary in the form attached hereto as S.B. No. 2956, S.D. 1, H.D. 2.

Signed by all members of the Committees except Representatives Beirne, Kanoho and Tajiri.

SCRep. 1003-94 Judiciary on S.B. No. 2734

The purpose of this bill is to set up a mechanism in the Department of Human Services (DHS) to recover the assets of Medicaid patients under certain circumstances, in accordance with the federal Omnibus Budget Reconciliation Act of 1993.

Specifically, the bill:

- (1) Allows the DHS to consider assets that were transferred from an applicant for public assistance to another person within the federal "lookback" period when determining need;
- (2) Allows the DHS to file a lien against the real property of a person receiving institutional care with medical assistance from the State, and who the State has determined cannot reasonably be expected to be discharged from the medical institution, provided that:
 - (a) The person's spouse, dependent child, or sibling with an equity interest in the home is not residing in the home; or
 - (b) The person's sibling or adult child who has provided care to the person prior to their being admitted to a medical institution is not residing in the home;
- (3) Requires the DHS to update the actual amount of the lien annually;
- (4) Permits the DHS to consider issuing conditional certificates of release from the lien in cases of extreme hardship;
- (5) Provides that transfer of assets for less than fair market value within the federal "lookback" period shall be prima facie evidence that assets were knowingly transferred for the purpose of qualifying for public assistance;
- (6) Requires the DHS to file a claim against the estate of a deceased recipient of medical assistance if the person was age fifty-five or over when the assistance was received, and if the person has no surviving spouse or dependent child; and
- (7) Requires the DHS to file a claim against the estate of a person receiving medical assistance who is institutionalized, and who the State has determined cannot reasonably be expected to return home, provided that the person has no surviving spouse or dependent child.

The Department of Human Services submitted testimony generally in support of the bill, with one suggested amendment. The Chamber of Commerce submitted testimony in support of the bill.

Your Committee believes it is important to ensure that recipients of public assistance are truly in need of aid, so that scarce public funds can be targeted where they can do the most good. In recent years, your Committee has noted the spiralling increase in Medicaid costs driven by the increasing number of people who impoverish themselves deliberately to take advantage of public aid. Not only does this behavior place a huge burden on all taxpayers, but it also may deprive those persons in dire need of assistance as public funds are stretched to the limit.

Recognizing that the problem of increasing Medicaid costs is national in scope, Congress passed the Omnibus Budget Reconciliation Act of 1993 which, among other things, required the states to adopt Medicaid asset recovery rules as outlined in this bill. Your Committee has amended the bill by:

- (1) Including a provision to ensure that any lien placed upon the real property of a person receiving medical assistance and residing in a medical institution shall be dissolved upon that person's discharge from the institution and return home; and
- (2) Making technical, nonsubstantive amendments for the purposes of style and conformity to legislative drafting standards.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2734, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2734, S.D.2, H.D. 2.

Signed by all members of the Committee except Representatives Bunda, Cachola, Herkes, Hirono, Oshiro and Peters.

SCRep. 1004-94 Judiciary on S.B. No. 2170

The purpose of this bill is to promote the recycling of glass in the State by requiring glass container importers to pay the Department of Health an advance disposal fee which is to be used to fund county glass recovery programs.

Your Committee received testimony in support of the bill from representatives of the Department of Health, the Department of Business, Economic Development, and Tourism, and other organizations.

Your Committee finds that the City and County of Honolulu has been successfully operating a glass recycling program whose beneficial impact should be extended statewide. If glass is not recycled, it will continue to be disposed of in our rapidly filling landfills. The present bill provides the needed framework for recycling glass in Hawaii, and, as such, will be an important step in promoting the commercial use of recycled materials.

The supporters of the measure agreed that this program was meant to supersede county programs and that the fee being imposed was intended to replace any fee being collected by any county so that there is no double assessment on glass container manufacturers in any county.

For this reason your Committee has amended the measure to make explicit that the State will be occupying the entire field of regulation in this matter and that no county may collect a similar fee.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2170, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as S.B. No. 2170, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Bunda, Cachola, Herkes, Hirono, Oshiro and Peters.

SCRep. 1005-94 Judiciary on S.B. No. 2648

The purpose of this bill is to permit chartered student organizations at the University of Hawaii to use money from the Student Activities Revolving Fund to pay for legal representation.

The Vice President for Student Affairs at the University of Hawaii submitted testimony generally in support of the bill, but with a suggested amendment. The Board of Publications and the Broadcast Communication Authority at the University of Hawaii submitted testimony in support of the bill.

Your Committee believes that chartered student organizations at the University are legitimate public entities, and are entitled to use public monies to defend themselves against possible lawsuits. However, your Committee agrees with the Vice President for Student Affairs that the Student Activities Revolving Fund should not be used to support a suit that may be brought against the University.

Consequently, your Committee has amended the bill by:

- (1) Specifying that funds from the Student Activities Revolving Fund may be used by chartered student organizations only for a legal defense against any litigation brought against them; and
- (2) Making technical, nonsubstantive amendments to conform to legislative drafting standards.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2648, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2648, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Cachola, Herkes, Hirono, Oshiro and Peters.

SCRep. 1006-94 Judiciary on S.B. No. 2680

The purpose of this bill is to appropriate money from the state general fund for a center specifically designed to provide a secure and safe environment for family visitation as ordered by a court.

Testimony in general support of this bill was received from the Judiciary, Parents and Children Together, the Junior League of Honolulu, Philip K. White & Associates, the Domestic Violence Legal Hotline, HOPE Domestic Violence Consultants, Hawaii State Committee on Family Violence, the Family Law Section of the Hawaii State Bar Association, the Hawaii State Commission on the Status of Women, and a number of concerned citizens.

Your Committee understands that Parents and Children Together (PACT) has opened the Family Visitation Center on Oahu, which provides a safe and neutral location where child visitations can occur in a warm and nurturing environment, and where security and a professional visit supervisor are available to supervise visits and to provide intervention whenever necessary during visitations.

Your Committee believes that PACT meets the qualifying standards and conditions of Chapter 42D, Hawaii Revised Statutes, and that funding to allow PACT to continue to operate the Family Visitation Center serves the public purpose of ensuring that court-ordered visitations can take place in a safe and secure facility where children and their parents will be protected from intra-family violence.

Your Committee has amended this bill by inserting an appropriation of \$1 to allow continued discussion and by providing that the appropriation be a grant-in-aid to PACT.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2680, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2680, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Bunda, Cachola, Oshiro and Peters.

SCRep. 1007-94 Judiciary on S.B. No. 2716

The purpose of this bill is to appropriate funds to the Department of Public Safety (DPS) for ten marine police positions.

The DPS submitted testimony in support of the bill, but noted that the bill did not provide funding for necessary uniforms and duty gear associated with the ten positions. A private citizen submitted testimony in opposition to the bill.

Your Committee believes that the maritime law enforcement division performs much-needed services to the public, and that these services are in increasing demand. However, the DPS has not been allocated any new positions in this area for three years. Accordingly, your Committee has amended the bill by:

- (1) Appropriating funds, in addition to that appropriated for the ten marine police positions, for:
 - (a) Five harbor police positions;
 - (b) Three administrator positions; and
 - (c) The uniforms and duty gear associated with these positions;
- and
- (2) Changing the appropriation from an unspecified amount to \$1 for the purpose of continued discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2716, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2716, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Bunda, Cachola, Oshiro and Peters.

SCRep. 1008-94 Judiciary on S.B. No. 2724

The purpose of this bill is to continue funding for the multi-agency, community-based collaboration of the Youth Gang Response System established by Act 189, Session Laws of Hawaii 1990, and further continued through Act 300, Session Laws of Hawaii 1992.

Testimony in support of this bill was received from the Job Preparation Language Program, the County of Hawaii Police Department, the Salvation Army Hilo Interim Home, the County of Kauai Police Department, Parents and Children Together, the Honolulu Police Department, and the Department of Education.

The Office of Youth Services also submitted testimony supporting the intent of this bill, but due to fiscal constraints cannot support the funding of requests outside of the Executive Budget.

Your Committee finds that the Youth Gang Response System has made Hawaii a leader among the states addressing gang problems.

Your Committee has amended this bill by inserting an appropriation of \$5 for the purpose of continued discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2724, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2724, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Bunda, Cachola, Herkes, Hirono, Oshiro and Peters.

SCRep. 1009-94 Judiciary on S.B. No. 3024

The purpose of this bill is to allow the Attorney General to defend providers of medical, dental, or psychological services to prison inmates if the providers are under contract to the Department of Public Safety and are subsequently sued by inmates in connection with the provision of these services.

Your Committee heard testimony in favor of this bill from the State Attorney General and the Department of Public Safety. Your Committee agrees with these state agencies that by allowing state legal protection, the bill will help the Department of Public Safety attract an adequate number of medical, dental, and psychological contractors.

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

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3024, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3024, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Bunda, Cachola, Oshiro and Peters.

SCRep. 1010-94 Judiciary on S.B. No. 3140

The purpose of the bill, as received by your Committee was to repeal Act 214, Session Laws of Hawaii 1993.

Your Committee received testimony in opposition to the bill from representatives of the Judiciary, the Attorney General, the Police Department of the City and County of Honolulu, and the Office of the Public Defender.

Your Committee finds that Act 214, which decriminalizes traffic offenses, is a cost saving measure intended to reduce law enforcement costs, to expend judicial and prosecutorial resources more efficiently and to benefit the general public both in terms of time and money.

Your Committee finds that an appropriation of \$400,000 would provide sufficient funds for the program to meet the necessary start-up costs with a small cushion for unanticipated expense.

Although the Judiciary had initially requested \$705,000 testimony has revealed that if the program were to begin in January of 1995, \$400,000 for fiscal year 1994-1995 would suffice.

There is needed \$150,000 for reprogramming of the Traffic Data Base System and \$217,000 for printing of the various forms necessary under the new system. Because bids must be sent out the current effective date of July 1, 1994 would be extremely difficult, if not impossible, to meet.

Your Committee believes that the best course of action is to save this well studied, very valuable and important new method of handling traffic offenses, by amending the bill to eliminate the language relating to repeal of Act 214 and instead inserting an appropriation of \$400,000 to fund the Act while putting off the effective date until January 2, 1995.

Your Committee has amended the measure, therefore, by providing an appropriation section calling for \$400,000 and by changing the effective date of Act 214 to January 2, 1995, unless less than \$400,000 has been appropriated, in which case the effective date of Act 214 will be July 1, 1995.

The July 1, 1995 date would permit the preparation for the program to go forward, while the State awaits better financial times to fund the program through legislation next session.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3140, S.D. 2, as amended herein, and recommends that

it pass Second Reading the form attached hereto as S.B. No. 3140, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Cachola, Herkes, Hirono, Peters and Thielen.

SCRep. 1011-94 Judiciary on S.B. No. 3220

The purpose of this bill is to appropriate funds for a grant-in-aid to the City and County of Honolulu to maintain a statewide blood and saliva testing program and databank.

The Department of the Prosecuting Attorney of the City and County of Honolulu and the Honolulu Police Department submitted testimony in support of the bill.

Your Committee agrees with the testimony submitted that the statewide blood and saliva testing program is useful for identifying and apprehending repeat, violent offenders. Your Committee has amended this measure by:

- (1) Changing the funding source from a grant-in-aid to a direct appropriation; and
- (2) Appropriating \$1 to the program for the purpose of continued discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3220, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3220, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Bunda, Cachola, Oshiro and Peters.

SCRep. 1012-94 Judiciary on S.B. No. 2978

The purpose of this bill is to remove the \$25 ceiling on the amount of the fine that the Board of Regents may impose for a parking violation at the University of Hawaii.

The Director of Campus Operations at the University of Hawaii submitted testimony in support of the bill, noting that the \$25 ceiling was set in 1964, and that a \$25 fine is no longer a deterrent against parking violations.

Your Committee agrees that the current ceiling of \$25 is too low to act as a deterrent against parking violations. Removing the ceiling entirely, however, could subject students to unreasonable fines. Therefore, your Committee has amended the bill by:

- (1) Reinstating a ceiling for parking violation fines, but in the amount of \$35 instead of \$25; and
- (2) Making technical, nonsubstantive amendments to conform with legislative drafting standards.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2978, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2978, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Cachola, Herkes, Hirono, Oshiro and Peters.

SCRep. 1013-94 Judiciary on S.B. No. 2828

The purpose of this bill is to permit the chief election officer to contract with nonprofit entities to provide precinct officials and other election related personnel, services and activities. This bill also:

- (1) Changes the deadline for political parties to submit names of precinct officials from ninety to sixty days before the close of filing for an election;
- (2) Allows the chief election officer to assign precinct officials without regard to party affiliation if political parties fail to submit names by the deadline;
- (3) Allows the chief election officer to waive precinct official recruitment and placement requirements in special needs circumstances;
- (4) Allows the payment schedule for precinct officials and other election day employees to be set by rule instead of by law; and
- (5) Exempts from the income tax law the compensation received by all persons and nonprofit entities for providing election related personnel, services, or activities for the chief election officer.

Your Committee received testimony on this bill from the Office of the Lieutenant Governor and the Department of Taxation. The Department of Taxation noted that the enactment of a portion of the bill would be contrary to the intent of

Section 235-3, HRS, which is to conform the income tax law of the State as closely as possible with the adopted provisions of the Internal Revenue Code (IRC), Section 61. The provisions of IRC Section 61 provides that compensation for personal services must be included in gross income. Testimony from the Office of the Lieutenant Governor provided no objections to deleting the tax exemption provision.

Your Committee agrees that there is no justification to exclude compensation received from the chief election officer from gross income.

Your Committee has amended this bill by deleting Section 4, which affects IRC, Section 61. Your Committee has also deleted community organizations and school booster clubs from Section 1, lines 14 and 15 since they are included under the title of nonprofit entities.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2828, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2828, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Cachola, Hirono, Oshiro and Peters.

SCRep. 1014-94 Judiciary on S.B. No. 2781

The purpose of this bill is to provide one additional law clerk to the Criminal Administrative Judge of the Circuit Court of the First Circuit.

The Judiciary submitted testimony in favor of the bill, but with suggested amendments to provide additional law clerk positions to the Civil Administrative Court, the Civil and Criminal Motions Courts, and the Family Court of the First Circuit.

Your Committee agrees with the Judiciary testimony that the Judicial First Circuit needs additional law clerks for research, document review and screening, briefings, and other support services that must be completed before judicial decisions on individual cases are made. The Family Court of the First Circuit, in particular, needs an additional law clerk to be brought up to parity with the other courts.

In accordance with these findings, your Committee has amended the bill by adding:

- (1) Two law clerks for the Civil Administrative Judge of the Circuit Court of the First Circuit;
- (2) One law clerk for the Senior Judge of the Family Court of the First Circuit;
- (3) One law clerk for the Civil Motions Judge of the Circuit Court of the First Circuit; and
- (4) One law clerk for the Criminal Motions Judge of the Circuit Court of the First Circuit;

and by making other technical, nonsubstantive amendments for the purposes of clarity and consistency with legislative drafting standards.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2781, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2781, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Bunda, Cachola, Oshiro and Peters.

SCRep. 1015-94 Judiciary on S.B. No. 2752

The purpose of this bill is to delete the statutory language of subsection (f) of Section 371-4, relating to the duties of the Chairperson of the Labor and Industrial Relations Appeal Board (Board), and to provide in its place that:

- (1) The Chairperson be responsible for the administrative functions of the Board;
- (2) The Board may appoint an executive officer and other assistants, prescribe their duties, fix their compensation, and provide for reimbursement of their expenses incurred in the performance of their duties;
- (3) Attorneys hired by the Board are not deputies of the Attorney General; and
- (4) Board members and employees other than clerical and stenographic employees are exempt from Chapters 76, 77, and 89, and clerical and stenographic employees are subject to Chapters 76 and 77.

Testimony in support of this bill was received from a representative of the Board.

Your Committee has made a technical, nonsubstantive amendment to this bill.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2752, S.D. 2, as amended herein, and recommends that

it pass Second Reading in the form attached hereto as S.B. No. 2752, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Cachola, Herkes, Hirono, Peters and Thielen.

SCRep. 1016-94 Energy and Environmental Protection on S.B. No. 3180

The purpose of this bill is to allow nonfossil fuel energy producers to continue to receive reimbursement for the difference between the higher cost of alternative fuels and the cost of heavy fuel oil during any sustained absence of heavy fuel oil.

The bill proposes to accomplish this by:

- (1) Eliminating the repeal date of applicable sections of Act 130;
- (2) Making the repeal of applicable sections of Act 130 contingent upon the availability of heavy fuel oil or a determination by the Public Utilities Commission; and
- (3) Changing the qualifying requirements of nonfossil fuel producers covered by Act 130.

Testimony supporting S.B. 3180, S.D. 1, was presented to the Committee by:

- (1) The Public Utilities Commission; and
- (2) The Hilo Coast Processing Company.

Testimony opposing the bill was presented to the Committee by:

- (1) The Department of Commerce and Consumer Affairs' Consumer Advocate; and
- (2) The Hawaiian Electric Company.

The testifiers who opposed the bill expressed the opinion that the emergency situation which necessitated Act 130 no longer exists. Given this, they believe the effective date (June 30, 1994) for repealing the applicable sections of the Act should not be changed.

Those supporting the bill testified that problems still exist in terms of transporting heavy oil to, and storing it in Hawaii County, thereby warranting the extension of the Act. It was further noted by the testifiers that the current bill promotes the use of alternative fuels, thereby decreasing the State's dependence on imported fossil fuels.

Your Committee recognizes there are serious environmental concerns raised by the transport of heavy oil to the neighbor islands. Moreover, it believes in the importance of fostering alternative energy use and that the current subsidy provided to electricity production from nonfossil fuels accomplishes this end. Thus, it was decided to extend the Act for an additional year.

However, the Committee appreciates the concerns expressed by some of the testifiers regarding the continuance of this reimbursement mechanism because any added cost is ultimately passed on to the consumers. And it recognizes that indefinitely extending Act 130 with the proposed amendments may have ramifications which have yet to be considered. Your Committee, therefore, added provisions to the bill to have the Consumer Advocate gather the needed information on which to perform an in-depth analysis of the long-term consequences of the issues dealt with in this bill, and to report its findings to the Legislature.

After free and open discussion, your Committee amended this bill by:

- (1) Changing the repeal date of Sections 2 and 3 of Act 130 to June 30, 1995, thereby extending these provisions for an additional year, as indicated on page 6, line 6;
- (2) Deleting language on lines 6 through 9 of page 6 which would have made repeal of the Act contingent upon the availability of heavy oil or a determination by the Public Utilities Commission; and
- (3) Requiring the Consumer Advocate to study the effects of the various aspects of this measure, in consultation with the nonfossil fuel energy producers, the utilities, the public utility commission, and other interested parties, such as environmental groups and community organizations, and to report his/her findings and recommendations to the Legislature before the start of the next session.
- (4) Making technical, nonsubstantive revisions for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3180, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3180, S.D. 1, H.D. 1, and be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee.

SCRep. 1017-94 Public Safety and Corrections on S.B. No. 2434

The purpose of this bill is to authorize an emergency appropriation of \$2,076,273, for fiscal year 1993-1994, to ensure the continued provision of services by the Department of Public Safety.

Supportive testimony was submitted by the Department of Public Safety (DPS).

The Director of Public Safety (Director) testified that a critical funding emergency exists. DPS expenditures increased in excess of 5.4 percent over the allotted appropriations for fiscal year 1993-1994. This was primarily attributed to overtime increases at seven of the eight correctional facilities administered by DPS. The Director added that by rectifying this shortfall, this bill would prevent the shutdown of activities at correctional facilities, and ultimately mitigate the possible filing of additional lawsuits against the State.

While your Committee is in accord with the intent of this bill, your Committee believes that the need for emergency appropriations each year will continue unless a concerted effort is made by the State to remedy the problems that have exacerbated the overuse of overtime compensation at DPS.

Accordingly, your Committee has amended this bill by inserting language that would require the Director to submit a report to the Legislature at least twenty days prior to the convening of the Regular Session of 1995, pertaining to:

- (1) Ways of mitigating the need for overtime expenditures caused by sick leave abuse, the process of filling vacant positions, and the existing shift relief factor; and
- (2) The effectiveness of efforts made by DPS to reduce overtime expenditures.

In addition, a provision was added to require the Director to submit any proposed legislation the Director deems necessary to reduce the use of overtime expenditures in the Department of Public Safety.

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

The Director informed your Committee that the Department had no objections to performing the above-mentioned study.

It is the intent of your Committee that the amendments to this bill not impede the timely approval of this bill.

As affirmed by the record of votes of the members of your Committee on Public Safety and Corrections that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2434, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2434, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Tom and White.

SCRep. 1018-94 Human Services on S.B. No. 2141

The purpose of this bill is to create a special account to fund child and spouse abuse intervention or prevention activities. Revenues for the special account would be generated by a \$9 fee increase for marriage licenses and a \$3 fee increase for copies of birth, death, and marriage certificates. Revenues could also be generated from grants, donations, and other contributions from private and public sources.

Testimony in support of the bill was submitted by Parents and Children Together, the Domestic Violence Clearinghouse, and the Department of the Prosecuting Attorney of the City and County of Honolulu. The Department of Health, the American Academy of Pediatrics, and the Hawaii State Commission on the Status of Women submitted testimony in support of the intent of the bill.

Subsequent to the hearing the Department of Health estimated that a total of approximately \$762,000 would be generated annually by the increases in fees. More specifically, about \$162,000 would be generated from the fee increase for marriage licenses, and about \$600,000 would be generated from the fee increase for copies of birth, death, and marriage certificates.

Your Committee is concerned, but is not aware, that the special fund created by this bill would circumvent the Chapter 42D process relating to grants, subsidies, and purchases of service.

The bill has been amended by ensuring that appropriations from the special account shall supplement, and not supplant, existing efforts in intervention and the prevention of spouse or child abuse.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2141, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2141, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

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

SCRep. 1019-94 Human Services on S.B. No. 3288

The purpose of this bill, as received by your Committee, is to fund the implementation of gap budgeting in the determination of assistance allowance for Aid to Families with Dependent Children.

The Department of Human Services (DHS) submitted testimony in support of initiatives that encourage recipients to obtain and maintain employment. However, DHS did not support the bill because the funding would exceed the Administration's budget. The Kokua Council for Senior Citizens supported the bill.

The National Association of Social Workers and the Committee on Welfare Concerns testified that a much preferable approach to assisting welfare clients would be to repeal the freeze of public assistance payments at the 1993 poverty level, which is scheduled to begin on July 1, 1994.

Your Committee agrees that the repeal of the freeze would also benefit these recipients. At the same time, gap budgeting provides an incentive for public assistance recipients to become gainfully employed.

Since a degree of confusion was expressed at the hearing about the computation of public assistance payments, an example is provided here. The information in the following example has been extracted from a document supplied by DHS subsequent to the hearing:

- (1) The Standard of Need (SON) is 100 percent of the federal poverty level. SON is based on household size, and for a family of four it is \$1375;
- (2) The Standard of Assistance (SOA) is 62.5 percent of the federal poverty level. SOA is also based on household size, and for a family of four it is \$859;
- (3) The current method of computing public assistance payments is to subtract countable income from SOA. For a family of four which has a countable income of \$454, the following is the computation of the public assistance payment:

SOA	\$859
Countable income	<u>-454</u>
Public assistance payment	\$405

- (4) Under gap budgeting, countable income is subtracted from SON, and that difference is multiplied by 62.5 percent. For a family of four with a countable income of \$454, the following is the computation of the public assistance payment:

SOA	\$1375
Countable income	<u>-454</u>
	921 X 62.5 percent =
Public assistance payment	\$575

- (5) The public assistance payment is the same for a family of any size without any countable income under either the current method or under gap budgeting.

Upon careful consideration, your Committee has amended the bill by deleting the current discretionary authority of the Director of Human Services to implement gap budgeting, and replacing it with a mandate for DHS to apply gap budgeting. Furthermore, the substance of H.B. No. 2954, H.D. 1, was added. This House bill, which repeals the welfare freeze, was reported out of the House Committee on Human Services earlier this session.

In prioritizing the importance of the welfare freeze and gap budgeting, your Committee expresses its preference for the repeal of the welfare freeze since it affects a larger number of people. However, in consideration of the overall financial position of the State, your Committee understands that the Finance Committee, to which this bill is referred next, may select one method over another.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3288, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3288, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

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

SCRep. 1020-94 Labor and Public Employment on S.B. No. 3190

The purpose of this bill is to require all members of the Employees Retirement System who retire with less than twenty-five years of service to bear part of the cost of their health benefit plans.

The Department of Personnel of the City and County of Honolulu testified in support of this bill.

The Department of Budget and Finance commented that the issue of Health Fund costs should be examined in totality. The Hawaii Public Employees Health Fund (Fund) offered comments and recommendations to change the effective date of this bill.

The Hawaii Government Employees Association, the Hawaii State Teachers Association, the United Public Workers, Local 646, the University of Hawaii Professional Assembly, and a private citizen testified in opposition to this bill.

Your Committee finds that the benefits provided for retired public employees is generous in comparison to other states, and the cost of paying for one hundred percent of retirees health fund premiums is dramatically increasing. Additionally, the State is faced with a very large unfunded actuarial liability for post-retirement health benefits which will only grow larger because no reserves have been accumulated to help meet the costs of health benefits for current retirees or for active employees who will retire in the future.

However, your Committee also recognizes that active public employees have an expectation that their health benefit premiums will be paid for by the State.

Accordingly, your Committee has amended this bill by deleting the substance of S.B. No. 3190, S.D. 2, and inserting the substance of H.B. No. 979, H.D. 2.

Specifically, the amendments:

- (1) Require only employees hired after July 1, 1996, to make increased contributions to their retiree health benefit premiums;
- (2) Specify the percent contribution of the State for employees retiring at certain plateaus of service;
- (3) Specify what benefits which will be offered to employee beneficiaries, dependent beneficiaries, and spouses;
- (4) Require the State to pay the total monthly premium for each minor child of employee beneficiaries enrolled in the Fund's dental plan;
- (5) Require the State to pay the total monthly premium for each employee beneficiary enrolled in the Fund's group life insurance benefits plan;
- (6) Require the State to recalculate the premiums to be paid for the hospital, medical, and surgical plan, the prescription drug plan, the vision care plan, and the adult dental plan according to those of the plan with the largest enrollments;
- (7) Declare that the contributions made are not wages or salary, and that the employee shall have no vested right to receive any part of any contribution made to the Fund; and
- (8) Make this Act effective on July 1, 1996.

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3190, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3190, S.D. 2, H.D. 1, and be referred to the Committee on Finance

Signed by all members of the Committee.

SCRep. 1021-94 Education on S.B. No. 2414

The purposes of this bill as received are to:

- (1) Establish the Classroom Improvement Special Fund to enable teachers to purchase equipment, supplies, texts, and materials for instructional needs;
- (2) Create a means by which taxpayers can designate \$10 of their state income tax liability to the Classroom Improvement Special Fund; and
- (3) Require the Department of Education to establish a credit card system with a credit union to enable teachers to purchase not more than \$500 worth of equipment, supplies, texts, and materials for instructional needs each school year.

Testimony in support of this measure was submitted by a concerned citizen. The Tax Foundation of Hawaii submitted comments on this measure. The Department of Taxation and the Department of Education submitted testimony in opposition to this measure.

Your Committee finds that more studies are needed to implement a credit card or debit card system, and therefore requests that the Auditor evaluate these and any other feasible options.

After free and open discussion, your Committee has amended this bill by:

- (1) Deleting the provisions that establish a credit card system with a credit union to enable teachers to purchase not more than \$500 worth of equipment, supplies, texts, and materials for instructional needs each school year;
- (2) Requiring the Office of the Auditor, in cooperation with teachers and members of financial institutions, to establish guidelines to implement disbursements;
- (3) Inserting an appropriation of \$50,000 to the Department of Taxation for administrative costs of implementing the check-off system;
- (4) Providing a blank appropriation for the Office of the Auditor to establish guidelines to implement disbursements; and
- (5) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2414, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2414, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Arakaki, Duldulao, Hagino, Isbell, Lee, Taniguchi and Tanimoto.

SCRep. 1022-94 Hawaiian Affairs on S.B. No. 2261

The purpose of this bill is to authorize the Office of Hawaiian Affairs (OHA) to issue revenue bonds secured by the moneys received by OHA from the twenty percent share of revenue from the public land trust.

OHA and the Ka Lahui Hawaii Political Action Committee testified on this bill.

Your Committee finds that this bill would enable OHA to maximize the trust funds without eroding the trust corpus by providing another alternative to leverage the trust funds.

Your Committee has amended this bill by requiring OHA to retain each office project's revenues in separate accounts (page 16, lines 19-20). This amendment would assure that revenues for different projects would be accounted for separately and not be co-mingled.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2261, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2261, S.D. 2, H.D. 2, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Ihara, Lee and Okamura.

SCRep. 1023-94 Hawaiian Affairs on S.B. No. 3145

The purpose of this bill is to appropriate funds to purchase a publication entitled Onipa'a: Five Days in the History of the Hawaiian Nation for use in Hawaii's public schools and libraries.

Your Committee received testimony from the Department of Education, the Office of Hawaiian Affairs, and the State Council of Hawaiian Homestead Associations who were all in agreement that the publication Onipa'a: Five Days in the History of the Hawaiian Nation is a valuable educational tool commemorating the centennial of the overthrow of the Hawaiian monarchy, a significant event in modern Hawaiian history.

This bill provides for an appropriation out of the special funds of the Office of Hawaiian Affairs. Your Committee finds that such funds are trust funds rather than special funds. Your Committee further finds that it is not within the Legislature's authority to mandate how trust funds are to be used and thus, the appropriation of funds for the purchase of Onipa'a: Five Days in the History of the Hawaiian Nation should be appropriated from the general revenues fund of the State.

Your Committee has therefore amended Section 1 of this bill to appropriate funds out of the general revenues of the State of Hawaii rather than from the special funds of the Office of Hawaiian Affairs.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3145, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3145, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

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

SCRep. 1024-94 Hawaiian Affairs and Intergovernmental Relations and International Affairs on S.B. No. 3012

The purpose of this bill is to establish a rehabilitation trust fund for Kaho'olawe.

This bill also provides for the following:

- (1) Allows the commission to adopt rules directly, rather than through the Department of Land and Natural Resources (DLNR);
- (2) Permits the commission to hire employees without regard to Chapters 76 and 77, Hawaii Revised Statutes;
- (3) Transfers the powers and duties otherwise conferred on the Board of Land and Natural Resources with regard to all dispositions and approvals, rather than just land dispositions and land use approvals; and
- (4) Appropriates funds for operation of the commission and to complete conveyance and cleanup negotiations with federal agencies.

Your Committees received testimony in support of this bill from the Office of Hawaiian Affairs and the Office of State Planning. Testimony in support of this bill was also submitted by the DLNR who requested that technical amendments be made.

Your Committees have amended this bill as follows:

- (1) Deleted a portion of lines 20 and 21 on page 4 of this bill which reads, "including administrative personnel, as provided in section 26-35"; and
- (2) Made technical and nonsubstantive changes for purposes of style, consistency, and clarity.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Intergovernmental Relations and International Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3012, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3012, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Alcon, Hagino, D. Ige, Lee, Nakasone and Tanimoto.

SCRep. 1025-94 Hawaiian Affairs and Water and Land Use Planning on S.B. No. 2758

The purpose of this bill is to ensure that beneficiaries of the Hawaiian Homes Commission Act are kept informed over the potential impacts of existing and future uses of water reserves in the State. This bill requires the Department of Hawaiian Home Lands (DHHL) to consult with beneficiaries who may be affected by current and future water reserves.

The following organizations testified on this bill: the DHHL; the Office of Hawaiian Affairs (OHA); the State Council of Hawaiian Homestead Associations; the Land Use Research Foundation of Hawaii; the Native Hawaiian Advisory Council; and the Ka Lahui Hawaii Political Action Committee.

Upon further review, your Committees find that a more specific consultation process is needed. Accordingly, your Committees have amended this bill by deleting the substance, and inserting therefor, the substance of H.B. No. 3012, H.D. 1, except for Section 2 which would have appropriated general revenues for such activities as the contracting of professional and technical experts. H.B. No. 3012, H.D. 1, was passed out of your Committee on Hawaiian Affairs earlier this session.

As amended, this bill would, among other things, direct DHHL to:

- (1) Prepare notices to initiate reservations of water for current and foreseeable development of homestead areas requiring water. The notice would prescribe the potential areas affected by the water reservation and propose a method of selecting advisory groups to assist DHHL in determining proposed water reservations;
- (2) Mail these notices to affected parties;
- (3) Publish these notices in its newsletter, Ka Nuhou, as well as OHA's newspaper, Ka Wai Ola O Oha; and
- (4) Help establish these advisory groups.

Additional amendments to the bill:

- (1) Directs the Commission on Water Resource Management to publish any request for water reservation or other pending decisions that may affect Hawaiian water rights in its newsletter as well as in OHA's newspaper; and
- (2) Directs the advisory groups to oversee the process of developing the applicable water reservations to support current and foreseeable development of their respective island. The advisory groups' recommendations would be forwarded to the Hawaiian Homes Commission and the Commission on Water Resource Management.

Although your Committees recognize that this consultation will require funding, the practical realities of legislative deadlines make it prohibitive to insert an appropriation at this time. Accordingly, your Committees urge both the DHHL and OHA to contribute resources for this undertaking, to the extent funds are available.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land Use Planning that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2758, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2758, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committees except Representatives D. Ige, Lee, Takamine, Tanimoto and Thielen.

SCRep. 1026-94 Consumer Protection and Commerce on S.B. No. 2164

The purposes of this bill are to:

- (1) Repeal statutory provisions specifying that revisions to the medical fee schedule shall be based solely on changes to the Consumer Price Index (CPI);
- (2) Require the Director of Labor and Industrial Relations (DLIR) to conduct a comprehensive review of the medical fee schedule and implement any revisions by January, 1995;
- (3) Revise the fee schedule as necessary every three years thereafter following a comprehensive review;
- (4) Include changes to the CPI as one factor in the comprehensive review; and
- (5) Provide that in the years that a comprehensive review is not conducted, the fee schedule shall be adjusted according to changes in the CPI.

The DLIR, the ILWU Local 142, the Hawaii Nurses' Association, and the Hawaii Medical Association submitted testimony in support of the bill. The Building Industry Association of Hawaii, The Chamber of Commerce of Hawaii, the Hawaii Insurers Council, and the Hawaiian Society of Naturopathic Physicians submitted comments on the bill.

Your Committee finds that tying changes in the medical fee schedule only to changes in the CPI has produced a distorted and unworkable fee schedule. The DLIR needs the discretion to set the medical fee schedule in accordance with a number of factors, including fees charged for similar procedures in the surrounding community. This bill will give the DLIR that discretion.

Your Committee has amended the bill by making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2164, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2164, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Amaral, Hirono, Menor, Oshiro, Takamine and Tom.

SCRep. 1027-94 Consumer Protection and Commerce on S.B. No. 2753

The purpose of this bill is to clarify the tax law pertaining to insurers authorized to conduct business in Hawaii.

Your Committee is in agreement that this bill will provide equitable treatment for the imposition of an insurance premium tax on real property title insurers and that this clarification will assist in reducing litigation.

Testimony was received from the Department of Commerce and Consumer Protection and the Tax Foundation of Hawaii.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2753, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Amaral, Hirono, Menor, Oshiro, Takamine and Tom.

SCRep. 1028-94 Consumer Protection and Commerce on S.B. No. 3075

The purpose of this bill is to ensure the continuation of Medicaid funding by complying with the federal Omnibus Budget Reconciliation Act of 1993 (OBRA '93), which requires states to honor qualified medical child support orders. Specifically, the bill requires employers providing health coverage to dependent children of employees to recognize children identified in qualified medical child support orders as eligible dependents without regard to enrollment season restrictions.

Testimony in support of the bill was submitted by the the Department of the Attorney General and the Hawaii Public Employees Health Fund.

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

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3075, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 3075, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Amaral, Hirono, Menor, Oshiro, Takamine and Tom.

SCRep. 1029-94 Consumer Protection and Commerce and Judiciary on S.B. No. 3315

The purpose of this bill is to prohibit insurers from cancelling or refusing to renew a policy in an arbitrary or discriminatory manner as well as ensuring that rate filing and rate making procedures are open to public scrutiny and appeal by affected insured parties.

The bill provides specifically for the following:

- (1) Prohibits policy cancellations or non-renewals except for non-payment of premiums;
- (2) Prohibits non-renewal of a policy on a discriminatory basis or because the insured has contested an increase in rates;
- (3) Requires thirty days notice of cancellation or non-renewal of a policy and provides for a contested case hearing upon request;
- (4) Prohibits any renewal deposit premium as a condition for renewal of any policy unless the deposit for premiums is credited to future premium payments;
- (5) Requires public notice by the insurance division of its intent to approve a rate filing;
- (6) Requires that insurance companies submit data in support of rate increases and that credible statistical evidence support a request for an increase in class rates of more than five percent;
- (7) Permits the challenge by insureds in a contested case hearing and requires the insurer to pay for costs of the insured's appeal if the rate filing cannot be justified;
- (8) Requires the Insurance Commissioner to institute proceedings within two years in any case in which an insured was not afforded the right to intervene and participate in rate filing or rate making as a party in interest; and
- (9) Allows the Insurance Commissioner to award rebates to affected insureds as remedy for violations of the ratemaking law.

Your Committees heard testimony from the State Insurance Commissioner in support of certain provisions of the bill which would prohibit insurers from refusing to continue policies on the basis of an insured's race, creed, ethnic extraction, age, sex, marital status, residence, physical handicap, or because the insured has previously contested a rate increase. The Insurance Commissioner also supports the requirement that insurers provide insureds with 30-days notice of cancellation or non-renewal of policies and the prohibition of insurers from requiring deposit premiums for renewal policies unless the deposit is credited to future premiums. However, the Insurance Commissioner expressed concerns with the remaining provisions of the bill.

Other testimony in support of this measure was received from the Hawaii Nurses' Association, the ILWU Local 142, the Hawaii State AFL-CIO, the Building Industry Association of Hawaii and various individuals.

Testimony in opposition to this bill was received from the Hawaii Independent Insurance Agents Association, First Insurance Company of Hawaii, Ltd. and the Hawaii Insurers Council.

Your Committees find that this bill will reform the rate filing and rate making provisions to open up the rate making process to benefit consumers of workers' compensation insurance.

In fairness to the parties, your Committees have amended this bill to add the following additional grounds upon which an insurer may cancel or refuse to renew a policy:

- (1) fraud or misrepresentation;
- (2) breaches of contractual duties, conditions, or warranties; and
- (3) violation or failure to comply with any local fire, health, or safety statute or ordinance.

Technical non-substantive changes have been also been made for the purpose of clarity, consistency and style.

As affirmed by the records of votes of the members of your Committees on Consumer Protection and Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3315,

S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3315, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Menor, Oshiro, Peters and Takamine.

SCRep. 1030-94 Energy and Environmental Protection on S.B. No. 2179

The purpose of this bill as received by your Committee is to provide that any permittee under the Clean Air Act who complies with the conditions of a permit issued by the Department of Health under Chapter 342B, Hawaii Revised Statutes, shall be deemed to be in compliance with the chapter if all the conditions have been fulfilled.

The following agencies and organizations testified in support of the bill:

- (1) The City and County of Honolulu;
- (2) Chevron USA;
- (3) The Western States Petroleum Association; and
- (4) The Hawaii Electric Company.

Testimony in opposition to the bill was presented to the Committee by:

- (1) The Department of Health; and
- (2) The Sierra Club.

The testimony presented by the City and County of Honolulu explicitly favored expanding the scope of the bill to include other environmental permits, such as water pollution and solid waste pollution. Chevron and the Western States Petroleum Association also encouraged expanding the bill in the sense that they recommended making permit shields mandatory.

According to the testimony heard, industry support for this bill is predicated on the fact a permit shield provides the permittee with legal confirmation that as long as the permittee is in compliance with the permit, the permittee is, by definition, in compliance with applicable laws and regulations.

The Department of Health's opposition to the bill is based on a number of factors, including the legal ambiguities posed by environmental shields, potential conflicts between the proposed measure and federal regulations, and its conflict with existing statutes regarding the department's enforcement authority. The Sierra Club also expressed the view that permit shields were unnecessary and that since permit shields are a new concept their ramifications are not widely understood.

Your Committee believes that the Senate draft is overly broad and premature, and that a more deliberate approach would be prudent. Thus, the Committee extensively revised the bill to limit its scope, while clarifying the statutory authority of the Department to develop rules for permit shields should the Department deem it is suitable to do so.

Your Committee passes this bill on to the Judiciary Committee in the interest of increasing public input on the concept and encouraging debate on its merits.

Your Committee amended the bill by:

- (1) Adding a section to express the legislative intent of the measure;
- (2) Adding a section to amend Section 342B-12, HRS, to grant the Director of Health the authority to: "Establish rules allowing for environmental permit shields";
- (3) Inserting language at Line 6, Page 2, to grant the Director the authority to: "Issue permits with environmental permit shields pursuant to such rules as the director may adopt";
- (4) Deleting the existing language of the bill from Line 6, Page 2, through Line 7, Page 5; and
- (5) Making technical, nonsubstantive revisions for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2179, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2179, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary

Signed by all members of the Committee.
(Representatives Hiraki, Hirono and Thielen voted no.)

SCRep. 1031-94 Hawaiian Affairs on S.B. No. 2154

The purpose of this bill is to promote the "Aloha Spirit" throughout state government.

Testimony in support of this bill was submitted by the Department of Business, Economic Development, and Tourism (DBEDT), the Office of Hawaiian Affairs, and the WAIAHA Foundation.

Testimony in opposition to this bill was submitted by the State Council of Hawaiian Homestead Associations.

Your Committee acknowledges the importance of the "Aloha Spirit" as a guiding principle upon which native Hawaiians founded their government and established their way of life. Your Committee also acknowledges that the "Aloha Spirit" is a custom unique to the state and thus, the practice of the "Aloha Spirit" should be reinforced throughout the state's various branches of government, departments, and agencies.

Your Committee believes that it is important for all state departments and their employees to be aware of the practice of the "Aloha Spirit" and thus, an informal committee should be established within each department to incorporate guidelines and practices into the department's mission and functional statement. Your Committee notes that Representative White may be able to offer suggestions and input in implementing such guidelines and practices.

Your Committee has amended this bill as follows:

- (1) Amending subsection (c) of Section 1 on page 2 by deleting "The Department of Business, Economic Development, and Tourism shall provide the training for these personnel.";
- (2) Amending subsection (c) of Section 1 on page 2 by requiring each department to establish a committee whose responsibilities shall include incorporating the "Aloha Spirit" into the department's mission or functional statement, training managerial and supervisory personnel, and encouraging the employees of the department to act in accordance with the "Aloha Spirit"; and
- (3) Making technical and nonsubstantive amendments for purposes of style, consistency, and clarity.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2154, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2154, H.D. 1, and be referred to the Committee on Finance.

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

SCRep. 1032-94 Agriculture on S.B. No. 2728

The purpose of this bill is to appropriate funds for agricultural research, development, and extension to be performed by the Hawaiian Sugar Planters' Association's experiment station in consultation with the Department of Agriculture (DOA).

Your Committee recognizes that agricultural research will continue to be important to the viability and development of Hawaii's agricultural industry, despite the downsizing of certain crops and changes taking place within the agricultural industry.

Supporting testimony was received from the Hawaii Sugar Planters' Association (HSPA), the Hawaii Farm Bureau Federation, the Hawaii Coffee Growers' Association, the Pineapple Growers Association of Hawaii, the Hawaii Forest Industry Association, the President and Chief Executive Officer of Alexander & Baldwin, Inc., the Manager of Agriculture/Natural Resources for the Estate of James Campbell, M.A. Robinson Trusts, the General Manager of Hawaiian Commercial and Sugar Company and Senior Vice President of A&B-Hawaii, Inc., the General Manager for McBryde Sugar Company, Ltd., Dole Food Company, Del Monte Fresh Produce (Hawaii) Inc., Akea Farms, Kamuela Vacuum Cooling Coop, and other concerned citizens. The DOA generally testified in support of the intent of the bill. Testimony was also received from the College of Tropical Agriculture and Human Resources of the University of Hawaii and Ka'u Agribusiness.

Accordingly, your Committee has amended this bill by:

- (1) Providing that the funds for agricultural research, development, and extension are to be performed by HSPA's experiment station or the experiment station of the successor organization to HSPA; and
- (2) Requiring that no funds shall be released unless the funds are matched dollar-for-dollar in cash or in-kind donations, or a combination of both, by HSPA or its successor organization.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2728, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2728, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1033-94 Health on S.B. No. 2615

The purpose of this bill is to establish within the Department of Health the emergency medical services system for children program.

Testimonies in support of this measure were received from the Department of Health, the Hawaii Medical Association, the American Academy of Pediatrics-Hawaii Chapter, and the Kapiolani Medical Center for Women and Children.

However, Kapiolani Medical Center's testimony included an amendment that would require that one member of the Emergency Medical Services (EMS) Advisory Committee be a physician engaged in full time practice of pediatrics.

It was understood by your Committee that most of the care of children, both in rural and urban areas of the State, is performed by pediatricians. Pediatricians are also responsible for managing the pre-hospital, post hospital, and rehabilitative aspects of care.

Further, your Committee notes that emergency care for children's serious illness and injuries is a part of the health care system. However, it is important to note that children are not just "small adults" but are an entirely separate group of people. Therefore, there is a need to treat them as such and therefore a need for this legislation.

Accordingly, your Committee has amended this bill by:

- (1) Adding language that included a pediatrician to be incorporated into the EMS Advisory Committee; and
- (2) Making other technical non-substantive amendments for the purposes of clarity, style, and conformity.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2615, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2615, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1034-94 Health on S.B. No. 2083

The purpose of this legislation is to require the Department of Health to make optimal use of property that it owns and improvements that it is making at 548 Kapahulu Avenue, Honolulu, Hawaii 96815 wholly for health-related purposes.

Testimonies in support of the intent of this measure were received from the Department of Health and the Waikiki Health Center. However, the Department of Health could not support the additional funding needed due to the fiscal constraints this year.

Your Committee notes that the property in question has been utilized by the Department of Health for many years. Unfortunately, age, termites, and other acts of nature have taken their toll and has made the building on the property a hazard to occupy.

Seeing that this area is centrally located and easily accessible, it appears to be the ideal location for providing various health services, including primary care and outreach services, to the community.

However, your Committee would like to request that the Department of Health look into other forms of attaining funds, such as through grants. It was also suggested that the Hawaii Community Association be contacted to obtain information on grants and other available monies.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2083, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1035-94 Health on S.B. No. 2374

The purpose of this measure is to enable dermatologists, effective January 1, 1995, to be primary health care providers under health insurance policies sold in this State.

Testimonies in support of this measure were received from Hawaii Federation of Physicians and Dentists, the Hawaii Dermatologic Society, the Honolulu Medical Group, and numerous dermatologists and physicians from around the State.

Opponents of this measure included Kaiser Permanente, the Hawaii Medical Association, The Chamber of Commerce of Hawaii, the Hawaii Academy of Family Physicians, along with various physicians and members of the public. Their concern was that they felt that insurance should not be mandated and that if this bill passed, it could open the door for other medical specialties to request for preferential treatment where insurance was concerned.

Under current law, health care plans may require members to initially go through a "gatekeeper" or primary care physician such as an internist, pediatrician, or family care practitioner to get to a specialist such as a dermatologist. This bill would allow direct access to a dermatologist as the primary care provider for conditions affecting the skin, nails, and hair and related ailments.

Your Committee notes that most patients know if they have a skin problem and that they also know if a dermatologist is the best qualified to treat their problem.

Further, it was recognized that most dermatologists throughout the State charge a rate that is either equal to, or less than that of a primary care provider. In many cases, requiring Hawaii's residents to go through a "gatekeeper" system would only serve to increase paperwork, increase frustration, and increase medical costs.

It was also noted by your Committee that dermatologists have far more extensive training in disorders of the skin than do a great majority of primary care physicians.

However, your Committee would like to express that, although it has passed this proposal, it would request that the next Committee consider evaluations of four other health care plans across the United States that have allowed members direct access to dermatologists.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2374, and recommends that it pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee.

SCRep. 1036-94 Economic Development and Business Concerns on S.B. No. 3104

The purpose of this bill is to appropriate funds to develop digital imaging and related technology in conjunction with private and public entities in the State.

The development of digital imaging and related technology in the State would help broaden and diversify Hawaii's high technology base. Your Committee feels that there is significant economic potential for digital imaging in the State.

To provide sound and comprehensive planning, the involvement of representatives from a wide spectrum of the community, including government, business, the academic community, and specialized industrial and high-tech industries is imperative to the project's success. The participation of these parties in the development of the project would enhance planning efforts and would serve as valuable resources.

As was evidenced by the dirth of testimony in this bill, your Committee is concerned about the lack of involvement and participation of various segments of the private and public sectors, including the University of Hawaii; the Department of Business, Economic Development, and Tourism (DBEDT); and other pertinent parties in the development of this project. Therefore, your Committee suggests that there be immediate and ongoing dialogue among the various public and private agencies and organizations in the development of a digital imaging industry in Hawaii.

Testimony was received from American Digital Imaging, Inc.

Upon consideration, your Committee has amended this bill by:

- (1) Changing the expending agency from the Research Corporation of the University of Hawaii, to the High Technology Development Corporation of DBEDT; and
- (2) Correcting the effective date of the bill to read "July 1, 1994."

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3104, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3104, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives M. Ige, Tam and Marumoto.

SCRep. 1037-94 Consumer Protection and Commerce on S.B. No. 1249

The purpose of this bill is to establish the regulatory framework for advanced practice registered nurses, naturopathic physicians, and opticians to prescribe drugs.

Supportive testimony was submitted by the University of Hawaii School of Nursing; the Healthcare Association of Hawaii; and the Hawaii Optometric Association.

Testimony in opposition was submitted by the Hawaii Ophthalmological Society; the Hawaii Chapter of the American Academy of Pediatrics; the Hawaii Medical Association; and the Honolulu Eye Clinic.

Comments were also submitted by the Departments of Commerce and Consumer Affairs, Public Safety, and Health; the Boards of Nursing, Naturopathy, and Optometry; the Hawaii Nurses' Association; the American Academy of Nurse Practitioners; Kaiser Permanente; the Hawaii Society of Naturopathic Physicians; and State Farm Fire and Casualty Company.

In addition, large voluminous testimony was submitted both in support and in opposition to this measure by concerned health care professionals

By way of background, in recent years, your Committee has labored over the issue of providing nurses, naturopathic physicians, and opticians the statutory authority to prescribe drugs within their respective practices.

On one hand, proponents of this issue have stated that the provision of prescriptive authority would significantly expand the availability and quality of health care to the consuming public.

On the other, opponents have questioned whether the affected health care professionals are sufficiently trained to prescribe medicines that may have serious and detrimental effects on patients when improperly used.

After considerable debate and compromise, as well as extraordinary efforts by nurses, physicians, health maintenance organizations, community leaders, and legislators, your Committee earlier has reached accord on a measure to provide advanced practice nurses limited prescriptive authority and reported out H.B. No. 3212, H.D. 1, which was passed out of the House of Representatives.

However, your Committee still has not reached consensus on whether to provide prescriptive authority to naturopathic physicians and optometrists.

Accordingly, your Committee has amended this bill as follows:

- (1) Deleted its substance and inserted, inter alia, the provisions of S.B. No. 1249, S.D. 1, to establish the Health Professional Formulary Council (Council) for the purposes of developing drug formularies for health care professionals licensed by the Department of Commerce and Consumer Affairs;
- (2) Clarified that formularies developed by the Council not apply to: dentists licensed under Chapter 448; physicians licensed under Chapter 453, Hawaii Revised Statutes (HRS); osteopathic physicians licensed under Chapter 460, HRS; podiatrists licensed under Chapter 463E, HRS; and veterinarians licensed under Chapter 471, HRS;
- (3) Clarified that the Council consist of eleven members, to be appointed by the Board of Medical Examiners that, inter alia, shall include:
 - (A) Two representatives from the Department of Health;
 - (B) Two representatives from the University of Hawaii School of Medicine or any appropriate school of the profession for which a formulary is to be proposed; and
 - (C) Three licensees representing the health professionals for whom the council shall be determining formularies and formulary revisions;
- (4) Required the licensees representing the health care profession be nominated by the respective licensing board that grants prescriptive authority, and provided that upon appointment, the members have the same rights and privileges as other Council members;
- (5) Clarified that the study to be conducted by the Council determine the additional health care professional groups that are qualified to be granted prescriptive authority;
- (6) Appropriated \$50,000 for fiscal year 1994-1995 to implement the Council; and
- (7) Made technical, nonsubstantive revisions for purposes of clarity, style, and conformity.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1249, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 1249, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Takamine.
(Representatives Amaral, Bainum, Hiraki, Hirono, Ishii-Morikami and Thielen voted no.)

SCRep. 1038-94 Consumer Protection and Commerce on S.B. No. 3292

The purpose of this bill is to appropriate funds to the Department of Transportation (DOT) to develop a master plan for taxicab operations at all State airports.

The DOT submitted testimony in support of the bill. The Oahu Taxi Owners Association, Inc. submitted comments on the bill.

Your Committee finds that a sound master plan will help create a more economical, efficient, and effective taxi system at State airports, thereby giving visitors to the State a positive first impression upon their arrival in Hawaii. Because taxicab regulation is now overseen by the counties (for regular taxicabs) and the Public Utilities Commission (for limousines), your Committee intends that the DOT include these entities in the development of the master plan. The DOT will include all State airports in the master plan.

Your Committee has amended the bill by making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3292, S.D. 1, H.D. 1, as

amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 3292, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Hiraki, Takamine and Tom.

SCRep. 1039-94 Judiciary and Consumer Protection and Commerce on S.B. No. 2889

The purpose of this bill is to create a state counterpart to the federal Soldiers' and Sailors' Relief Act to provide temporary relief from civil obligations to members of the Hawaii National Guard and other components of the state military forces when placed on state active duty.

Since 1918, the federal act has provided protections for members of the active federal military services and, when placed on active federal duty, members of the National Guard. These protections have been an essential ingredient in the quality of life for active duty men and women, and their families. These protections help mitigate the disruption that military service brings to their personal, financial, and business affairs.

Currently, when ordered by the Governor or Adjutant General to state active duty, the members of the Hawaii National Guard have no such protections, despite the fact that emergencies requiring activation at the state level are much more likely and common than activation at the federal level.

Your Committees find that this bill would cover this oversight and afford members of the state military forces and their families necessary protections when ordered to state active duty, such as occurred when the Hawaii National Guard was mobilized to aid the residents of Kauai after Hurricane Iniki. Your Committees further find that this bill would not provide special privileges to the members of the state military forces, but would allow temporary suspension of civil obligations for those serving the State during times of emergency. It effectively balances three competing needs: the need of the State for timely and effective support during times of emergency; the need for peace of mind for state military forces members in regard to their personal, business, and family lives; and the need of persons and businesses who have dealt with members of the state military forces to have the obligations owed to them fulfilled.

Your Committee has amended this bill by:

- (1) Clarifying that the time periods included in the definition of "active service" or "active duty" are not exclusive;
- (2) Specifically defining the term "state active duty" to include any period during which a member of the state military forces is ordered to state active duty by the Adjutant General or the Governor;
- (3) Clarifying that the period to which benefits are extended in Section -6 is in addition to the period of actual military service;
- (4) Removing the overly burdensome requirement in Section -11 that plaintiffs in all cases involving default judgments file affidavits showing that the defendant is not in military service; and replacing the misdemeanor penalty for violations with whatever penalty is deemed appropriate with respect to perjury and related offenses under the Hawaii Penal Code;
- (5) Removing the provision limiting protection from evictions from dwellings to those renting for less than \$1200 a month in order to make the protection consistent with that available against mortgage foreclosure;
- (6) Adding language to Section -43 relating to the deferral of collection of income taxes to enable the Department of Taxation to continue to "intercept" the income tax refunds of members who owe a debt to the State, are delinquent in the payment of child support, have defaulted on certain student loans, or who owe federal income taxes;
- (7) Reducing all penalties (other than the misdemeanor penalty in section -11 discussed above) from class C felonies to misdemeanors;
- (8) Changing the periods of the temporary stays of various actions from varying lengths to a single standard of sixty days after the period of military service; and
- (9) Making technical, nonsubstantive changes for purposes of clarity, consistency, and style.

To the extent that the foregoing amendments make the proposed state law differ from the federal law, your Committees believe that the net effect of these changes is both fair and equitable, and makes the law easier to apply.

As affirmed by the record of votes of the members of your Committees on Judiciary and Consumer Protection and Commerce that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2889, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2889, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

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

SCRep. 1040-94 Consumer Protection and Commerce and Judiciary on S.B. No. 2334

The purpose of this bill is to create a restitution fund of last resort for homeowners whose homes were damaged from Hurricane Iniki and who suffered noncompensable expenses due to the incompleteness of construction projects by insolvent or disappearing licensed contractors.

Your Committees have amended this bill by deleting its entire contents and inserting provisions to deal with the lack of competition in the gasoline market in Hawaii. The Attorney General reported to your Committees in a 1994 interim report on the investigation of gasoline prices that in the absence of competition, the incumbent oil companies control gasoline prices.

The purpose of this bill is to provide:

- (1) Open pricing disclosure of terminalling and storage costs for gasoline;
- (2) Ensure the availability of terminal facilities, including pipelines, for the open use by third parties; and
- (3) Gives the Public Utilities Commission (PUC) jurisdiction to regulate gasoline terminal facilities to ensure that the excess capacity of these facilities, including pipelines, are being offered to third parties at the published prices.

Testimony in support of this measure was received from Hawaii Automotive & Retail Gasoline Dealers Association.

Testimony in opposition to this measure was received from Chevron USA, Hawaii Petroleum Marketers Association, and BHP Petroleum Americas (Hawaii) Inc.

Your Committees note that although the Attorney General has studied the gasoline market since 1989 and has found no antitrust violations by the oil industry, there has been no change in terms of the lack of competition in the gasoline marketplace of Hawaii which results in higher prices for consumers. This measure is a step in dealing with this lack of competition by providing the opportunity for additional parties to find bulk gasoline supply alternatives, currently not available due to the lack of terminal, pipeline and storage facilities.

As affirmed by the records of votes of the members of your Committees on Consumer Protection and Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2334, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2334, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees except Representative Takamine.
(Representatives Amaral, Hiraki, Hirono, White and Thielen voted no.)

SCRep. 1041-94 Ocean Recreation and Marine Resources and Hawaiian Affairs on S.B. No. 3068

The purpose of this bill as received by your Committees on Ocean Recreation and Marine Resources and Hawaiian Affairs is to authorize the Department of Land and Natural Resources to designate native Hawaiian subsistence fishing areas, and to implement fishing management strategies for native Hawaiians in the exercise of their customary and traditional rights of subsistence, cultural, and religious practices.

This measure establishes a subsistence fishing pilot demonstration project for the fisheries adjacent to the coastline bounded by Nihoa Flats on the east to Ilio Point on the west on the island of Molokai, extending for one mile offshore.

This Act shall take effect upon its approval and be repealed on July 1, 1997.

Members of your Committees expressed the following concerns about this bill:

- (1) Members felt that provisions of the bill should not be limited to native Hawaiians. To more clearly express that subsistence fishing should be available, in accordance with Hawaiian custom and practice, to all persons who are willing to accept and abide by those customs and practices, "native Hawaiian community-based subsistence fishing area" should be substituted for "native Hawaiian subsistence fishing area" wherever it occurs in this measure.
- (2) Members expressed the desire to clarify the meaning of subsistence to be sure that the selling of fish commercially was not to be considered "subsistence" fishing.
- (3) Discussion of the boundaries of the project resulted in recommendations for a slight change in wording about the location, and extending the distance from one mile to two miles offshore.
- (4) It was also felt that determinations as to whether the project should be terminated, continued, or extended to other areas could be made more objectively after the report on the pilot project is received and analyzed.

Members of the Committees requested the Department of Land and Natural Resources to examine whether to exempt fishers who troll for pelagic fish from this project, and to review proposals for native Hawaiian community-based subsistence fishing that might be submitted from other areas of the State.

Testimonies in support of this measure were heard from the Department of Land and Natural Resources, the Office of Hawaiian Affairs, the Department of Hawaiian Home Lands, and residents from Molokai. Testimonies in opposition were submitted by the Hawaii Fishermen's Foundation and an individual who wanted more specifics included in the bill. A

resident from Hana, Maui made a strong plea for extending the scope of the bill to include a project adjacent to the Hana coastline.

Your Committees have amended this bill by:

- (1) Changing the title of the proposed new section in Chapter 188, Hawaii Revised Statutes, from Native Hawaiian subsistence fishing areas to Designation of native Hawaiian community-based subsistence fishing areas;
- (2) Revising the definition of "subsistence" to clarify that uses shall be only for direct personal or family consumption or sharing, and not for commercial activities.
- (3) Rewording the location of the fishing area on the island of Molokai, and extending the distance from one mile to two miles offshore;
- (4) Deleting the "sunset clause" wherein this Act would be automatically repealed on July 1, 1997; and
- (5) Making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the records of votes of the members of your Committees on Ocean Recreation and Marine Resources and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3068, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. 3068, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committees except Representatives Amaral, Hirono, Ihara, Lee, Okamura and Tajiri.

SCRep. 1042-94 Judiciary on S.B. No. 3303

The purpose of the bill is to expand the authority of the Department of Health under the solid waste pollution law.

Testimony in support of the measure, but recommending amendments, was received by your Committee from the Department of Health and a private firm which deals with solid waste disposal.

Your Committee finds that the bill provides the needed authority to enforce the rules and regulations prohibiting the improper disposal of materials.

Your Committee was concerned about applying the concept of joint and several liability to a statutory penalty, and was also concerned that the delegation of powers may have been too broad.

Therefore, your Committee has amended the bill by:

- (1) Limiting the delegation to the counties, and not to any person, and making the delegation only as to enforcement powers;
- (2) Deleting the section on joint and several liability;
- (3) Making an amendment to 342H-19 to provide that counties can enact more severe penalties against illegal dumping;
- (4) Clarifying that fines referred to are with respect to Section 342-30(c) and that the county's share of a fine be paid to a county only after its collection; and
- (5) Prohibiting the contracting or arranging directly or indirectly for the illegal disposal of solid waste.

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

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3303, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as S.B. No. 3303, S.D.1, H.D.1.

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

SCRep. 1043-94 Judiciary on S.B. No. 2262

The purpose of the bill is to provide for the continued commitment of the State to provide for the resolution of the Hawaiian Home Lands Trust claims against the State and the federal government.

Testimony in support of the measure was received by your Committee from the independent representative appointed under Act 352, representatives of the Native Hawaiian Legal Corporation, Ka Lahui Hawaii and other organizations and individuals.

Your Committee finds that Act 352, Session Laws of Hawaii 1993, authorized the appointment of an independent representative to act as sole representative to Hawaiian Home Lands beneficiaries for claims against the State for breaches

of the Hawaiian Home Lands Trust. The independent representative and the task force were to resolve these claims in a nonjudicial forum. However, in the course of resolving these claims, impasses between the independent representative and the task force have occurred, and the law does not provide any recourse to final determinations.

Your Committee has amended the measure by:

- 1) Extending the appointment of the independent representative until December 1, 1995 and providing for reports to the Legislature in 1995;
- 2) Requiring the parties to attempt mediation if an impasse is reached;
- 3) In connection with the independent representative, deleting references to errors and omissions insurance as well as to an attorney-client relationship; and
- 4) Amending Section 6 to provide that the Department of the Attorney General is to expend funds for the appropriation appearing in that section.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2262, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as S.B. No. 2262, S.D. 2, H.D. 2.

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

SCRep. 1044-94 Economic Development and Business Concerns on S.B. No. 2755

The purpose of this bill is to appropriate funds for the establishment of a statewide information clearinghouse and electronic database for arts and cultural activities, sports events, ethnic festivals, and other special events unique to Hawaii.

Your Committee finds that the wide array of multicultural activities and events throughout the State merits the need to coordinate and organize these activities and events so that they may be comprehensive in scope and made readily available to a broad segment of the resident and visitor population. The establishment of a statewide information clearinghouse and the development of an electronic database would be a highly informative source to a broad base of users. The database would expose users to the State's unique cultural heritage and history.

Your Committee recognizes that the database would provide immense opportunities for residents and visitors alike to experience and enjoy the modern culture, arts, and recreational activities of Hawaii and that such growth in participation has significant economic potential.

The Office of Hawaiian Affairs, the Commission on Culture and the Arts of the City and County of Honolulu, the Hawaii Information Network Corporation (HAWAII INC), the President of the Hawaii Watercolor Society, and the President of Artists for a Visual Arts Center testified in support of the bill. Your Committee received testimony in support of the intent of the bill from the Department of Business, Economic Development, and Tourism; the Department of Transportation; and the State Foundation on Culture and the Arts.

Upon careful consideration, your Committee has amended the bill by:

- (1) Clarifying the purpose of the bill;
- (2) Deleting reference to the development of a strategic program that fosters awareness of the arts, cultural activities, and events as a beneficial means of promoting a greater understanding of the State's unique cultural heritage and history;
- (3) Broadening the scope of the appropriation to include the promotion and dissemination of the statewide information clearinghouse and electronic database;
- (4) Specifying that the status report shall be submitted to the Legislature at least twenty days before the convening of the Regular Session of 1995; and
- (5) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2755, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2755, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives M. Ige and Marumoto.

SCRep. 1045-94 Economic Development and Business Concerns on S.B. No. 2172

The purpose of this bill is to establish the Clean Hawaii Center, a mechanism for the development of local processing and manufacturing industries that use solid waste or convert solid waste into usable products.

The Department of Business, Economic Development, and Tourism (DBEDT) testified in support of this bill, but deferred to the Department of Health regarding the solid waste tipping fee surcharge.

The Department of Health testified strongly in support of this bill, but deferred to DBEDT as the lead on this matter.

The Honolulu City Council Chair, the Sierra Club, Hawaii Chapter, the Hawaii Food Industry Association, Waste Management of Hawaii, Inc., Waste Management, Inc., and Hawaiian Earth Products, Ltd., testified in support of this bill.

The City Department of Public Works testified in strong opposition to this bill, noting that an increase in the tipping fee surcharge will directly affect the City.

The Tax Foundation of Hawaii also offered comments on this bill.

Your Committee finds that a local market for recycled products must be developed if there is to be significant progress in diverting a larger portion of solid waste from landfills. The establishment of the Clean Hawaii Center will facilitate the creation of that market by providing financial support and guidance to new and existing solid waste processing and recycling enterprises.

However, your Committee believes that the scope of the Clean Hawaii Center's responsibilities is too great. Accordingly, this bill has been amended by deleting the Center's duty to:

- (1) Negotiate voluntary agreements to increase the use of recycled materials in product development and import;
- (2) Provide support, development, and research to stimulate and commercialize new and existing technologies and products using recycled materials;
- (3) Undertake and participate in projects and promotions to demonstrate new market uses or applications for recycled products;
- (4) Undertake studies on the unmet capital needs of reprocessing and manufacturing firms using recycled materials; and
- (5) Represent the State in regional and national recycling market development issues.

Your Committee has further amended this bill by:

- (1) Elaborating on the purpose of this bill by noting the State's quantified goals to reduce solid waste disposal;
- (2) Directing DBEDT to use the Capital Loan Fund and Hawaii Innovation Development Fund to make low-interest loans through the Center;
- (3) Setting definite quantifiable goals for the Center;
- (4) Requiring progress reports on achieving those goals;
- (5) Terminating the Center five years after its establishment; and
- (6) Making technical, non-substantive amendments for the purpose of style and clarity.

Your Committee has retained language providing for an increase in the tipping fee surcharge. While the concern of the City Department of Public Works is valid, your Committee believes that the reduction in volume of solid waste disposed of after the establishment of the Clean Hawaii Center will reduce the burden of an increased tipping fee surcharge.

Further, the additional revenue generated by an increased surcharge is not the only funding source which should be tapped for the Clean Hawaii Center. Your Committee notes that DBEDT is directed to use the Capital Loan Fund and the Hawaii Innovation Development Fund to offer loans through the Center. The Department of Health can also provide funds. The Clean Hawaii Center should be used as a resource to identify ways to leverage grants or loans from the Federal government and the private sector.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2172, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2172, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Cachola, M. Ige and Marumoto.

SCRep. 1046-94 Agriculture on S.B. No. 3045

The purpose of this bill is to establish the Agribusiness Development Corporation (Corporation) to carry out programs to promote the development of agricultural enterprises.

In addition to specifying the administration, management, powers, and duties of the Corporation, this bill:

- (1) Amends the law relating to the Hawaii Strategic Development Corporation by excluding agricultural enterprises;
- (2) Amends the law relating to the Public Utilities Commission by excluding any person who controls, operates, or manages plants or facilities developed pursuant to the irrigation water development law for conveying, distributing, and transmitting water for irrigation and other purposes that are held for public use; and
- (3) Transfers the Marketing Order Revolving Fund from the marketing orders and agreements law to the grades and standards law.

The Department of Agriculture, the Office of State Planning, the Department of Land and Natural Resources, the Department of Hawaiian Home Lands, the Land Use Research Foundation of Hawaii, the Hawaii Sugar Planters' Association (HSPA), the Hawaii Farm Bureau, the College of Tropical Agriculture and Human Resources of the University of Hawaii at Manoa, Dole Food Company - Hawaii, Kona Farmers Cooperative, Kea'au Banana Plantation, Inc., A & B-Hawaii, Inc., the Hawaii Island Economic Development Board, the Private Sector Economic Coalition, Warren G. Haight & Associates, Kahua Ranch Limited, the Hawaii Cattlemen's Council, the Estate of James Campbell, the Landscape Industry Council of Hawaii, Del Monte Fresh Produce (Hawaii), Aloun Farm Inc., and several concerned citizens and farmers submitted testimony in support of this measure.

The Big Island Farm Bureau and the Sierra Club, Hawaii Chapter, submitted testimony in support of the intent of this measure. Several members of the Maui County Farm Bureau submitted testimony in opposition to this measure.

Upon consideration, your Committee has amended this bill by:

- (1) Establishing a definition for "export crops";
- (2) Providing a new definition for "enterprise" to mean "a business with its principal place of business in Hawaii, which is or proposes to be, engaged in agricultural crop development, development of new value-added products, enhancement of existing agricultural commodities, and the application of existing agricultural appurtenant facilities to productive uses; provided that the majority of whatever the corporation produces shall be produced for export";
- (3) Specifying instead, that the remaining eight members of the Agribusiness Development Corporation Board (Board) shall be appointed by the Governor, and confirmed by the Senate, of which two members each shall be from the City and County of Honolulu and the counties of Hawaii, Kauai, and Maui;
- (4) Deleting the powers of the Board with regard to the acquisition of real property or any interest required for any of its projects, or any real, person, or mixed property;
- (5) Including provisions with respect to protecting the water rights of native Hawaiians and specifying that the Corporation shall make decisions on water rights, subject to the approval of the Water Commission;
- (6) Allowing, rather than requiring, the Corporation to develop a project to identify necessary project facilities within a project area;
- (7) Deleting all references to the issuance of revenue bonds;
- (8) Allowing, rather than requiring, public agencies to lease lands to the Corporation;
- (9) Deleting reference to the exemption from taxation of the Corporation;
- (10) Deleting provisions relating to the definition of "public utility";
- (11) Establishing a four-year sunset clause; and
- (12) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3045, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3045, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Tam.

SCRep. 1047-94 Consumer Protection and Commerce and Judiciary on S.B. No. 3249

The purpose of this bill is to provide for the protection of the citizens of Hawaii by:

- (1) Requiring disclosure by unaccredited degree-granting institutions of their unaccredited status;
- (2) Imposing sanctions for failure to disclose; and
- (3) Defining degree-granting institution to exempt any public college, university, or other entity operation as part of the public educational system of this State.

Your Committees received testimony in support of the bill from the University of Hawaii, Chaminade University of Honolulu, Hawaii Pacific University, and from other members of the public.

Your Committees received testimony opposing the bill from the Department of Commerce and Consumer Affairs.

Upon consideration, your Committees have amended the bill as follows:

- (1) Deleting the requirement proposed in Section 3 that the unaccredited institution disclose that the State has chosen not to exercise its constitutional authority to oversee unaccredited institutions;
- (2) Repealing Section 446E-4 which requires unaccredited institutions register with the Department of Commerce and Consumer Affairs;
- (3) Repealing Section 446E-5 which bars unaccredited institutions from suggesting that registration with the States suggests approval or regulation by the State; and,
- (4) Making technical, nonsubstantive revisions for purposes of clarity, style, and consistency.

As affirmed by the records of votes of the members of your Committees on Consumer Protection and Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3249, S.D. 1, H.D. 1, as amended herein, and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Menor, Oshiro, Peters and Takamine.

SCRep. 1048-94 Consumer Protection and Commerce and Judiciary on S.B. No. 3036

The purpose of this bill is to create the Hawaii Health Alliance (Alliance) as a non-intrusive bargaining agent to reduce health care cost increases in Hawaii, provide the widest choice of health care options and plans possible, and to investigate and implement other cost control measures to control health care cost increases.

Your Committees received favorable testimony on this bill from the Department of Health, the Department of Business, Economic Development, and Tourism, the Department of Labor and Industrial Relations, the Executive Office on Aging, the Office of Hawaiian Affairs, the Hawaii Medical Service Association, the Hawaii Optometric Association, the Hawaii Nurses' Association, the Kokua Council for Senior Citizens, the Hawaiian Society of Naturopathic Physicians, and the American Association of Retired Persons

The Department of Commerce and Consumer Affairs (DCCA) testified in general support of this bill but indicated that additional funds would be needed since the Alliance is to be attached to DCCA. The Chamber of Commerce of Hawaii also testified in support of this bill with reservations. The Healthcare Association of Hawaii testified generally in support of this bill as long as the negotiating duties of the Alliance were removed from the bill.

Testimony generally in opposition to this bill was received from Benefit Plan Consultants (Hawaii), Inc., the Hawaii Association of Domestic Life Insurers, the Hawaii Medical Association, Legislative Information Services of Hawaii, the National Federation of Independent Businesses, UNUM Insurance, the Hawaii Business League, and the Hawaii Federation of Physicians and Dentists

HDS Medical testified in support of the intent of this bill, but was opposed to the formation of the Hawaii Health Alliance in the form presented.

Kaiser Permanente and other private citizens offered comments on this bill. The Hawaii State Association of Life Underwriters urged your Committees to carefully deliberate this bill.

There is substantial testimony in opposition to the need for the Alliance, suggesting that it is premature in light of pending federal legislation. In this area however, your Committees believe that the necessity for containing health care costs compels the State to act. Therefore, your Committees conclude that an advisory commission, as provided in this amended measure, is a positive step. The goal of the advisory commission is to ensure that a:

- (1) Reasonable basis to create a single mandated health alliance exists;
- (2) Review is made of other organizational alternatives;
- (3) Concensus among interested parties is reached;
- (4) Determination of the costs associated with developing a viable health alliance is made; and
- (5) Review of the feasibility of placing the Hawaii Public Employees Health Fund, Medicaid, the State Health Insurance Program (SHIP), and other governmental programs concerned with health care delivery within a single health care alliance is undertaken.

Accordingly, your Committees have amended this bill to do the following:

- (1) Establish the Hawaii Health Alliance Advisory Commission;

- (2) Declare that the Commission will be composed of seven members chosen from the Department of Health, the Department of Human Services, Medicaid, the business community, the consuming public, the Public Employees Health Fund, and organized labor;
- (3) Define the Commission's powers and duties;
- (4) Require the Commission to submit a report of its findings prior to the convening of the 1995 Regular Session; and
- (5) Appropriate money to implement the Commission.

As affirmed by the records of votes of the members of your Committees on Consumer Protection and Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3036, S.D. 2, H.D. 1, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 3036, S.D. 2, H.D. 2.

Signed by all members of the Committees except Representatives Takamine and White.

SCRep. 1049-94 Consumer Protection and Commerce on S.B. No. 3031

The purpose of this bill is to establish the Hawaii long-term care trust fund to administer an actuarially sound long-term care financing program intended to secure the futures of families in the State.

Supportive testimony was submitted by the Executive Office on Aging; the National Association of Retired Federal Employees; the ILWU Local 142; the American Association of Retired Persons; the Family Hope Coalition; and the National Association of Social Workers.

Testimony in opposition was submitted by The Chamber of Commerce of Hawaii; the Hawaii Federation of Physicians and Dentists; and the Hawaii Association of Domestic Life Insurers.

Comments were also submitted by the Department of Health; the Hawaii State Commission on the Status of Women; the Hawaii Nurses' Association; the Hawaii Association for Home Care; the Tax Foundation of Hawaii; the Healthcare Association of Hawaii; and the Hawaii State Association of Life Underwriters.

In addition, voluminous testimony in support of this measure was submitted by concerned retirees.

After careful consideration, your Committee has amended this bill by making technical, nonsubstantive revisions for the purposes of clarity, style, and conformity.

It is the intent of your Committee that this bill become fully effective in conjunction with federal legislation for national health care system reform in a coordinated and complementary manner that is most beneficial to the interests of residents of this State and as finally authorized by state plan documents adopted and enacted in accordance with any future federal legislation or by any other state legislation that may be required or appropriate; provided that during the period before this bill becomes fully effective, an interim Board of Trustees shall be appointed to serve and discharge responsibilities as provided in this bill.

Further, it is the intent of your Committee that nothing prevent this bill from becoming fully effective as may be authorized by any state legislation; regardless of whether the state legislation is passed before or after passage of any federal health care system reform legislation and regardless of whether the state legislation bears any relationship whatsoever with any federal health care system reform legislation.

If no federal health care system reform legislation is passed by July 15, 1995, and in the best estimation of the interim board it is not likely that such legislation will be passed in the near future and provided that it is in the best interests of residents of this State to do so, it is the intent of your Committee that the interim board propose legislation to make all provisions of this bill fully effective.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3031, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as S.B. No. 3031, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Amaral, Hirono, Menor, Oshiro, Takamine and Tom.

SCRep. 1050-94 Consumer Protection and Commerce on S.B. No. 3027

The purpose of this bill is to establish a Special Fund for use by the Public Utilities Commission (PUC) and the Division of Consumer Advocacy (CA) of the Department of Commerce and Consumer Affairs in the administration of regulatory laws pertaining to public utilities, motor carriers, and water carriers.

More specifically, this bill would:

- (1) Establish the Public Utilities Commission Special Fund (Fund) to be administered by the PUC;

- (2) Clarify that on a quarterly basis, up to twenty-five percent of the Fund's proceeds be allocated to the CA;
- (3) Clarify that expenditures from the Fund be in accordance with appropriations authorized by the Legislature, and provide that Fund moneys in excess of \$1,000,000 lapse to the general fund on June 30 of each odd-numbered year;
- (4) Increase the public utility fee and the motor carrier fee from one-eighth to one-fourth of one percent of gross income per year, and provide that the fees be deposited into the Fund; and
- (5) Require that all moneys appropriated to, received, and collected by the PUC not pledged, obligated, or required by law to be placed into any other special fund, be deposited into the Fund, including, inter alia, fees charged for the copying of public documents, fines resulting from violations of Chapters 269 (public utilities), 271 (motor carriers), and 271G (water carriers), and court costs paid to the Clerk of the Circuit Court.

Supportive testimony was submitted by the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, the Public Utilities Commission and GTE Hawaiian Tel. Testimony was also submitted by the Hawaii Transportation Association and Hawaiian Electric Company.

The PUC stated that the proposed Special Fund would provide the PUC and the Consumer Advocate with funding to tackle the backlog in cases, cut regulatory delays, hire expert consultants, and handle the many challenges of the changing environment in public utilities.

The Consumer Advocate also testified that without an increase in funding, it would not be able to participate in as many cases or with in-depth analysis, and not be able to adequately represent the interests of utility and transportation consumers in Hawaii.

Your Committee has amended this bill by:

- (1) Providing that on a quarterly basis, up to thirty percent of the Fund's proceeds remaining after deduction of central service expenses be allocated to the CA;
- (2) Authorizing each public utility to impose a surcharge to recover amounts paid resulting from the increase in the public utility fee until the conclusion of the public utilities' next rate case, and require the public utility to refund all surcharge moneys plus earned interest collected in addition to moneys paid to the PUC;
- (3) Authorizing each motor carrier to impose a surcharge to recover amounts paid resulting from the increase in the public utility fee until the conclusion of the public utilities' next rate case, and require the public utility to refund all surcharge moneys plus earned interest collected in addition to moneys paid to the PUC; and
- (4) Making technical, nonsubstantive revisions for purposes of clarity, style, and conformity.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3027, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3027, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hiraki, Hirono, Takamine and Tom.

SCRep. 1051-94 Ocean Recreation and Marine Resources on S.B. No. 2398

The purpose of this bill is to appropriate funds to the University of Hawaii for the establishment of the Pacific Mapping Center in the College of Engineering at the University of Hawaii at Manoa.

Your Committee on Ocean Recreation and Marine Resources received testimony in support of this measure from the Department of Civil Engineering at the University of Hawaii.

Your Committee also received testimony in general support of this bill from the Hawai'i Green Party which suggested that the purpose of the Pacific Mapping Center be amended to reflect the Legislature's support of short- and long-term environmental impact studies.

Your Committee has amended this bill by:

- (1) Deleting the first paragraph in Section 1;
- (2) Deleting reference to initiating the study of short- and long-term environmental impacts of any taking of these resources; and
- (3) Inserting the statement that "available information shall be a matter of public record."

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2398, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance as S.B. No. 2398, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Amaral and Tajiri.

SCRep. 1052-94 Consumer Protection and Commerce and Judiciary on S.B. No. 2377

The purpose of this bill is to establish a licensing program for social workers which:

- (1) Establishes a licensing requirement, contingent upon meeting certain educational qualifications and examination standards;
- (2) Provides grounds for disciplinary action and fines for licensed social workers and fines for exempt government social worker employees;
- (3) Provides a private right of action for consumers who are harmed as a result of a violation of the chapter; and
- (4) Appropriates funds to implement the program.

Your Committees received testimony in support of this bill from the Department of Commerce and Consumer Affairs, Department of Health, the National Association of Social Workers, School of Social Work, Pride in Social Work, Kokua Council for Senior Citizens, the Sex Abuse Treatment Center and the Hawaii Nurses Association in support of this measure.

There was no testimony in opposition to this bill.

Your Committees find that this measure will ensure that specified standards of education and practice are met by social workers in the state. Your Committees have amended this bill by:

- (1) Adding a definition of "exempt government employee" to clarify those social workers who are exempt from the licensing requirements, but are subject to a fine for violations under this measure;
- (2) Providing that prior to the imposition of a fine on an exempt government social worker there shall first be a hearing pursuant to Chapter 91, Hawaii Revised Statutes, to ensure that due process requirements are met; and
- (3) Other technical, non-substantive changes for the purposes of clarity, consistency and style.

As affirmed by the records of votes of the members of your Committees on Consumer Protection and Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2377, S.D. 2, H.D. 1, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2377, S.D. 2, H.D. 2.

Signed by all members of the Committees except Representatives Menor, Oshiro, Peters, Takamine and Thielen.

SCRep. 1053-94 Labor and Public Employment on S.B. No. 2751

The purpose of this bill is to require any contractor seeking any public contract of \$2,500,000 or more to be a party to project agreements with all building and construction industry members of the State's AFL-CIO unions.

Your Committee received voluminous testimony both for and against the intent of this measure.

To address concerns raised by testifiers, your Committee has amended this measure by allowing the Chief Procurement Officer to negotiate project agreements with unions in the building and construction trades in the State to ensure that the State's labor laws are being observed, to promote the construction industry in the State, and to protect the rights of Hawaii's workers.

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2751, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2751, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Suzuki.
(Representative Ward voted no.)

SCRep. 1054-94 Consumer Protection and Commerce on S.B. No. 2404

Your Committee agrees with the intent of this bill, namely, to expand the types of financial institutions that may establish and receive funds for individual housing accounts, to encourage individuals to save for the purchase of a home.

Specifically, the bill would permit depository financial services loan companies to receive funds for individual housing accounts.

Testimony received from the Department of Commerce and Consumer Affairs and the Department of Taxation indicated the departments do not oppose the bill.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2404, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Herkes, Hiraki, Hirono, Peters, Takamine and Tom.

SCRep. 1055-94 Human Services on H.C.R. No. 56

The purpose of this concurrent resolution is to request a financial and management audit of the state Department of Human Services' Child Day Care Services program.

Testimony from the Department of Human Services was received in compliance with this concurrent resolution. The Department of Human Services has collected, analyzed and reviewed extensive data regarding its child care program after the recently completed department-wide audit done by the Legislative Auditor's Office. The Administration for Children and Families has also completed a child care program and financial review at the request of the department. In light of these recent analyses, the department does not believe an audit will provide the Legislature with new information. However, the department will cooperate fully if it is the Legislature's intent to follow through with this concurrent resolution.

Upon further consideration, your Committee has amended this concurrent resolution by changing the dollar amount cited on page 2, line 7, to reflect a more accurate figure of \$5,100,000 available to fund child care services from the state and federal governments.

As affirmed by the records of votes of the members of your Committee on Human Services that are attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 56, 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. 56, H.D. 1.

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

SCRep. 1056-94 Human Services on H.R. No. 244

The purpose of this resolution is to urge Hawaii's congressional delegation to support an amendment to the Social Security Act to include Hawaii's cost of living allowance in the calculation of the federal medical assistance percentage.

Testimony from the Department of Human Services and Committee on Welfare Concerns was received in support of this resolution. The Department of Human Services believes that with the amendment to the Social Security Act it would assist not only the Medicaid program, but AFDC, JOBS, and foster care programs as well.

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

- (1) Inserting an additional "WHEREAS" clause stating that the adjustment of the Federal Medical Assistance Percentage (FMAP) will not only benefit the Medicaid Program, but the Aid to Families with Dependent Children, JOBS and foster care programs as well; and
- (2) Adding the Secretary of the Department of Health and Human Services and the President of the United States to receive a certified copy of the resolution along with the members of Hawaii's congressional delegation.

It is noted that your Committee would like the Hawaii congressional delegates to share this resolution with their colleagues in Congress.

As affirmed by the records of votes of the members of your Committee on Human Services that are attached to this report, your Committee concurs with the intent and purpose of H.R. No. 244, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 244, H.D. 1.

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

SCRep. 1057-94 Human Services on H.C.R. No. 262

The purpose of this concurrent resolution is to urge Hawaii's congressional delegation to support an amendment to the Social Security Act to include Hawaii's cost of living allowance in the calculation of the federal medical assistance percentage.

Testimony from the Department of Human Services and Committee on Welfare Concerns was received in support of this concurrent resolution. The Department of Human Services believes that with the amendment to the Social Security Act it would assist not only the Medicaid program, but AFDC, JOBS, and foster care programs as well.

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

- (1) Inserting an additional "WHEREAS" clause stating that the adjustment of the Federal Medical Assistance Percentage (FMAP) will not only benefit the Medicaid Program, but the Aid to Families with Dependent Children, JOBS and foster care programs as well; and

- (2) Adding the Secretary of the Department of Health and Human Services and the President of the United States to receive a certified copy of the concurrent resolution along with the members of Hawaii's congressional delegation.

It is noted that your Committee would like the Hawaii congressional delegates to share this concurrent resolution with their colleagues in Congress.

As affirmed by the records of votes of the members of your Committee on Human Services that are attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 262, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 262, H.D. 1.

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

SCRep. 1058-94 Human Services on H.C.R. No. 154

The purpose of this concurrent resolution is to request the establishment of a meditation process to address the issue of long-standing problems in the relationship between the Department of Human Services and foster parents as it relates to the quality of care provided to foster children.

Testimony from the Judiciary, Hawaii State Foster Parents Association, and six private individuals was received in support of the intent of the concurrent resolution.

The Department of Human Services submitted testimony in support of the intent of the concurrent resolution, but the department expressed that they do not agree with all of the points in the concurrent resolution. The department acknowledges that there are weaknesses in the foster care system due to factors such as staff shortages, staff turnovers, lack of sufficient resources and heavy workloads.

It is noted by your Committee that in mid-February, 1994, the department initiated efforts to schedule ongoing, regular meetings between representatives of the Child Welfare Program Office and representatives from the Foster Parent Association. The department requested these meetings to begin to identify specific areas of concern and begin the process of addressing issues. The department believes these meetings will ensure open communication and mutual cooperation in addressing foster parents' concerns.

It is also noted by your Committee that there is not an adversarial problem between the Department of Human Services and the Hawaii State Foster Parent Association. Both organizations want to improve communications in order to provide the best care for the foster children under their care and are willing to participate in discussions mediated by the Judiciary's Center for Alternative Dispute Resolution.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 154 and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representative Duldulao, Peters and Tanimoto.

SCRep. 1059-94 Health on H.R. No. 203

The purpose of this resolution is to request the University of Hawaii Water Resource Research Center to develop guidelines which may be adopted by county planning and building departments to control the construction of private water catchment facilities.

Proponents of this measure included the University of Hawaii and the Department of Health.

Your Committee notes that many people in the State of Hawaii use private water catchment systems and that these people would benefit greatly from information provided on various aspects of the building, operation, and maintenance of these systems.

Further, if the guidelines which are to be developed by the University of Hawaii Water Resources Research Center are adopted by the county planning and building departments, there would be some assurance that water would be available in sufficient quantities to assure health and safety are not compromised in situations where public water supplies are not available. Also, the likelihood that water would be available for washing and cleaning would be enhanced. In addition, uniform construction standards may help to ensure that catchment water is available for fire fighting purposes thus benefitting public safety.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 203 and recommends that it be referred to the Committee on Higher Education and the Arts.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 1060-94 Health on H.C.R. No. 214

The purpose of this concurrent resolution is to request the University of Hawaii Water Resource Research Center to develop guidelines which may be adopted by county planning and building departments to control the construction of private water catchment facilities.

Proponents of this measure included the University of Hawaii and the Department of Health.

Your Committee notes that many people in the State of Hawaii use private water catchment systems and that these people would benefit greatly from information provided on various aspects of the building, operation, and maintenance of these systems.

Further, if the guidelines which are to be developed by the University of Hawaii Water Resources Research Center are adopted by the county planning and building departments, there would be some assurance that water would be available in sufficient quantities to assure health and safety are not compromised in situations where public water supplies are not available. Also, the likelihood that water would be available for washing and cleaning would be enhanced. In addition, uniform construction standards may help to ensure that catchment water is available for fire fighting purposes thus benefitting public safety.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 214 and recommends that it be referred to the Committee on Higher Education and the Arts.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 1061-94 Health on H.R. No. 200

The purpose of this resolution is to request the Legislative Reference Bureau to perform a study of the process in which health maintenance organizations operate.

Testimony supporting the intent of this measure was received from the Hawaii Medical Services Association. However, Kaiser Permanente would only support this measure if proposed amendments were made.

The Department of Health opposed this measure because they felt that this resolution was unnecessary and that the premise in this proposal was somewhat irrelevant.

Your Committee notes that there are many questions regarding health maintenance organizations (HMOs) and the "gatekeeper" functions found within such organizations, including the advantages and disadvantages of such functions. Further, it is understood that HMOs are playing a large role in the current health reform efforts sweeping across the United States. Therefore, your Committee feels that much has yet to be learned about such organizations.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the entire contents of this resolution and inserting language from Senate Concurrent Resolution 75 which encompassed the intent of House Resolution 200 and House Concurrent Resolution 211; and
- (2) Inserting language that requested that the Legislative Auditor to employ standards of measurement developed by the National Committee for Quality Assurance or other data sets and apply it to the various delivery systems when they are doing their analyses; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 200, as amended herein, and recommends that it be referred to the Committee on Consumer Protection and Commerce in the form attached hereto as H.R. No. 200, H.D. 1.

Signed by all members of the Committee.

SCRep. 1062-94 Health on H.C.R. No. 211

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to perform a study of the process in which health maintenance organizations operate.

Testimony supporting the intent of this measure was received from the Hawaii Medical Services Association. However, Kaiser Permanente would only support this measure if proposed amendments were made.

The Department of Health opposed this measure because they felt that this concurrent resolution was unnecessary and that the premise in this proposal was somewhat irrelevant.

Your Committee notes that there are many questions regarding health maintenance organizations (HMOs) and the "gatekeeper" functions found within such organizations, including the advantages and disadvantages of such functions. Further, it is understood that HMOs are playing a large role in the current health reform efforts sweeping across the United States. Therefore, your Committee feels that much has yet to be learned about such organizations.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the entire contents of this concurrent resolution and inserting language from Senate Concurrent Resolution 75 which encompassed the intent of House Resolution 200 and House Concurrent Resolution 211; and
- (2) Inserting language that requested that the Legislative Auditor employ standards of measurement developed by the National Committee for Quality Assurance or other data sets and apply it to the various delivery systems when they are doing their analyses; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 211, 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. 211, H.D. 1.

Signed by all members of the Committee.

SCRep. 1063-94 Health on H.R. No. 105

The purpose of this resolution is to request a study of emergency medical services for the homeless mentally ill.

Proponents of the intent of this measure included the Department of Health, the Mental Health Association in Hawaii, the Honolulu Police Department, and various other concerned groups, as well as, citizens.

It was understood by your Committee that presently many of the mentally ill come into contact with a myriad of different entities including the police, the judicial system, and hospital systems. Further, it was noted that many of these entities do not communicate with each other in many cases in which multiple contacts are made.

Moreover, it was pointed out that clarification of issues relating to the provision of emergency services for the mentally ill, review of the current mechanism for the provision of these services, the coordination among various agencies responsible for providing these services, and examination of ongoing efforts intended to address these issues are sorely needed and that this resolution tries to seek answers concerning these problems.

However, your Committee did have various concerns regarding the admission procedures which are currently being used by various individuals and/or organizations throughout the State.

Therefore, your Committee has amended this measure by:

- (1) Adding language to study whether it would be feasible to allow a judge to appoint a guardian who will be responsible for the mentally ill patient; and
- (2) Adding language that requests that the study also include a review of the current use of the MH2. Specifically, to look at the use of a phone to have a person involuntarily admitted without a mental health professional directly observing the patient; and
- (3) Inserting language that asks the Legislative Reference Bureau (LRB) to also look at other states that have similar dilemmas and that have model programs which they are using to address their problems; and
- (4) Language requesting that the LRB also propose legislation that would amend current laws regarding mental health admissions if appropriate; and
- (5) Including the Department of Human Services as one of the agencies that are requested to cooperate with the Legislative Reference Bureau as it conducts the study. This was due to the fact that the resolution does deal with reimbursement for services; and
- (6) Making technical, nonsubstantive amendments for the purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 105, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.R. No. 105, H.D. 1.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 1064-94 Health on H.C.R. No. 116

The purpose of this concurrent resolution is to request a study of emergency medical services for the homeless mentally ill.

Proponents of the intent of this measure included the Department of Health, the Mental Health Association in Hawaii, the Honolulu Police Department, and various other concerned groups, as well as, citizens.

It was understood by your Committee that presently many of the mentally ill come into contact with a myriad of different entities including the police, the judicial system, and hospital systems. Further, it was noted that many of these entities do not communicate with each other in many cases in which multiple contacts are made.

Moreover, it was pointed out that clarification of issues relating to the provision of emergency services for the mentally ill, review of the current mechanism for the provision of these services, the coordination among various agencies responsible for providing these services, and examination of ongoing efforts intended to address these issues are sorely needed and that this resolution tries to seek answers concerning these problems.

However, your Committee did have various concerns regarding the admission procedures which are currently being used by various individuals and/or organizations throughout the State.

Therefore, your Committee has amended this measure by:

- (1) Adding language to study whether it would be feasible to allow a judge to appoint a guardian who will be responsible for the mentally ill patient; and
- (2) Adding language that requests that the study also include a review of the current use of the MH2. Specifically, to look at the use of a phone to have a person involuntarily admitted without a mental health professional directly observing the patient; and
- (3) Inserting language that asks the Legislative Reference Bureau (LRB) to also look at other states that have similar dilemmas and that have model programs which they are using to address their problems; and
- (4) Language requesting that the LRB also propose legislation that would amend current laws regarding mental health admissions if appropriate; and
- (5) Including the Department of Human Services as one of the agencies that are requested to cooperate with the Legislative Reference Bureau as it conducts the study. This was due to the fact that the resolution does deal with reimbursement for services; and
- (6) Making technical, nonsubstantive amendments for the purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 116, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.C.R. No. 116, H.D. 1.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 1065-94 Health on H.R. No. 136

The purpose of this legislation is to request the Department of Health to change its policies and programs in regard to children with cancer and their families.

Testimonies supporting the intent of this measure were received from the Department of Health, Kapiolani Medical Center for Women and Children, the Commission on Persons with Disabilities, the Hawaii Childrens Cancer Foundation, as well as a number of concerned citizens.

Your Committee understands that childhood cancer is a devastating experience for children and their families not only physically, but also psychologically, emotionally, spiritually, and financially.

Further, it is recognized that medical services for cancer patients can be extremely costly and that many families with cancer patients must conduct fundraising efforts to cover nonreimbursed expenses. Moreover, although the Department of Health covers various medical costs for children who have special needs, they do not cover cancer patients because the cancer patients do not fit the Department's criteria.

After careful consideration, your Committee has amended this measure by:

- (1) Including language that calls for the Department of Health to consult with the Department of Human Services, the Hawaii Childrens Cancer Foundation, and the Kapiolani Medical Center for Women and Children when dealing with this issue; and
- (2) Inserting language that requests the Department of Health to develop a "team system" to develop rules for acceptance into the children with special needs program; and
- (3) Making technical, nonsubstantive amendments for the purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 136, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 136, H.D. 1.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 1066-94 Health on H.C.R. No. 147

The purpose of this piece of legislation is to request the Department of Health to change its policies and programs in regard to children with cancer and their families.

Testimonies supporting the intent of this measure were received from the Department of Health, Kapiolani Medical Center for Women and Children, the Commission on Persons with Disabilities, the Hawaii Childrens Cancer Foundation, as well as a number of concerned citizens.

Your Committee understands that childhood cancer is a devastating experience for children and their families not only physically, but also psychologically, emotionally, spiritually, and financially.

Further, it is recognized that medical services for cancer patients can be extremely costly and that many families with cancer patients must conduct fundraising efforts to cover nonreimbursed expenses. Moreover, although the Department of Health covers various medical costs for children who have special needs, they do not cover cancer patients because the cancer patients do not fit the Department's criteria.

After careful consideration, your Committee has amended this measure by:

- (1) Including language that calls for the Department of Health to consult with the Department of Human Services, the Hawaii Childrens Cancer Foundation, and the Kapiolani Medical Center for Women and Children when dealing with this issue; and
- (2) Inserting language that requests the Department of Health to develop a "team system" to develop rules for acceptance into the children with special needs program; and
- (3) Making technical, nonsubstantive amendments for the purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 147, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 147, H.D. 1.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 1067-94 Health on H.C.R. No. 210

The purpose of this concurrent resolution is to request the Department of Health to develop an inventory of health services which it provides either directly or through contracts with private agencies.

Testimony supporting the intent of this measure was received from the Department of Health. However, the Department was concerned about the staffing that would be required for such a large task.

It was understood by your Committee that the Department of Health has undergone a complete reorganization to streamline and reduce bureaucracy where possible.

However, recognizing that the Department of Health has a great deal to offer in terms of the health services it provides, your Committee felt that an inventory of these services would be necessary in order for the public to properly utilize them.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 210, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 1068-94 Energy and Environmental Protection on H.R. No. 142

The purpose of this resolution is to develop a coordinated statewide action plan to promote and facilitate green waste recycling through the implementation of a green waste ban and coordinated policy decisions. The Department of Health would serve as the lead agency in this action plan.

Your Committee recognizes that green waste comprises the largest percentage of the State's waste stream and that it is the most easily separated material in this waste stream. Your Committee recognizes that substantial benefits of a green waste ban would include an extension of existing landfill and incinerator capacity, as well as the creation of a significant market for green waste products, which would stimulate industry growth.

In addition, your Committee feels that a commitment by the State and county agencies, in terms of diverting their green waste and promoting market development, would support progress in green waste diversion and serve as models for green waste recycling.

Testimony strongly supporting this measures was received from the Department of Health and a private citizen.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 142 and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs.

Signed by all members of the Committee.

SCRep. 1069-94 Energy and Environmental Protection on H.C.R. No. 29

The purpose of this concurrent resolution is to develop a coordinated statewide action plan to promote and facilitate green waste recycling through the implementation of a green waste ban and coordinated policy decisions. The Department of Health would serve as the lead agency in this action plan.

Your Committee recognizes that green waste comprises the largest percentage of the State's waste stream and that it is the most easily separated material in this waste stream. Your Committee recognizes that substantial benefits of a green waste ban would include an extension of existing landfill and incinerator capacity, as well as the creation of a significant market for green waste products, which would stimulate industry growth.

In addition, your Committee feels that a commitment by the State and county agencies, in terms of diverting their green waste and promoting market development, would support progress in green waste diversion and serve as models for green waste recycling.

Testimony strongly supporting this measures was received from the Department of Health and a private citizen.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.C.R. No. 29 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1070-94 Energy and Environmental Protection on H.R. No. 141

The purpose of this resolution is to determine the feasibility of implementing variable rate fees or unit-based pricing for solid waste collection services, in an effort to provide financial incentives to citizens in order to reduce the amount of waste currently generated and to encourage recycling.

Your Committee recognizes that solid waste reduction and recycling programs are dependent on consumer participation. In addition, your Committee feels that this "pay-as-you-throw" concept will provide direct economic incentives for consumers to make a conscious effort to recycle, reduce the volume of waste and make purchases with disposal costs in mind.

The Committee received testimony that strongly supported this measure from the Department of Health and the Hawaii Food Industry Association.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 141 and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs.

Signed by all members of the Committee.

SCRep. 1071-94 Energy and Environmental Protection on H.C.R. No. 30

The purpose of this concurrent resolution is to determine the feasibility of implementing variable rate fees or unit-based pricing for solid waste collection services, in an effort to provide financial incentives to citizens in order to reduce the amount of waste currently generated and to encourage recycling.

Your Committee recognizes that solid waste reduction and recycling programs are dependent on consumer participation. In addition, your Committee feels that this "pay-as-you-throw" concept will provide direct economic incentives for consumers to make a conscious effort to recycle, reduce the volume of waste and make purchases with disposal costs in mind.

The Committee received testimony that strongly supported this measure from the Department of Health and the Hawaii Food Industry Association.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 30 and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs.

Signed by all members of the Committee.

SCRep. 1072-94 Energy and Environmental Protection on H.R. No. 140

The purpose of this resolution is to request each county mayor and council to identify and obtain consensus on a full cost analysis methodology that can be used to assess solid waste management and source reduction programs under their respective jurisdictions.

Your Committee recognizes that it is important for the counties and State to base waste-management decisions on information reflecting the true costs associated with a particular waste-management method. Full cost analysis should include, but not be limited to, landfill siting, land acquisition, design, development, operation and post-closure

monitoring. This information would ensure that waste-management decisions would be based on more comprehensive information.

The Committee received testimony that strongly supported this measure from the Department of Health and a private citizen.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.R. No. 140 and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs.

Signed by all members of the Committee.

SCRep. 1073-94 Energy and Environmental Protection on H.C.R. No. 31

The purpose of this concurrent resolution is to request each county mayor and council to identify and obtain consensus on a full cost analysis methodology that can be used to assess solid waste management and source reduction programs under their respective jurisdictions.

Your Committee recognizes that it is important for the counties and State to base waste-management decisions on information reflecting the true costs associated with a particular waste-management method. Full cost analysis should include, but not be limited to, landfill siting, land acquisition, design, development, operation and post-closure monitoring. This information would ensure that waste-management decisions would be based on more comprehensive information.

The Committee received testimony that strongly supported this measure from the Department of Health and a private citizen.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 31 and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs.

Signed by all members of the Committee.

SCRep. 1074-94 Health on H.R. No. 24

The purpose of this resolution is to request the Legislative Reference Bureau to re-examine the definition of death to include anencephalic infants, or those born with a brain stem but without any cerebral tissue or neocortical functioning. This definition is critical to the issue of whether it is ethical to remove the organs from an anencephalic before the heart stops for the purpose of transplantation.

The Chair of the Committee reported that she had introduced the resolution on behalf of a woman who had decided to carry an anencephalic baby to the full term of her pregnancy because she wanted to have its organs donated to those in need. However, the woman was unable to have the organs donated because of prohibitions in Hawaii's laws.

Substantial testimony on the resolution was submitted from a broad spectrum of perspectives. However, testimony appeared to focus on the substance of the proposed study, the re-definition of death, rather than on the purpose for the study, the gathering of relevant information. In addition, there may have been a misconception among at least some testifiers that the resolution would lead to a change in the law. One of the members of the Committee informed those in attendance at the hearing that, unlike federal legislation, a resolution in Hawaii can only request a study and not change law.

Two individuals, including a medical ethicist, supported the resolution. The ethicist reported that, historically, the definition of death has changed with advances in technology. In early times, a glass was placed below a person's nose to indicate an absence of breathing. After the invention of the stethoscope, the absence of heartbeat was used to define death. Current technology allows death to be determined by a lack of brain activity. A new definition of death was suggested as the absence of neocortical function. The potentially life-saving benefits of using organs from anencephalics was cited as a benefit resulting from this re-definition.

Testimony in opposition to the measure was submitted by the Roman Catholic Church of Hawaii, Hawaii Right to Life, the Marian Peace Center, and fifteen individuals, including medical doctors and attorneys. Objections to re-defining death were raised from the following perspectives:

- (1) From a medical perspective, an anencephalic infant has a brain stem, which controls breathing and heart function. The infant has basic primitive reflexes such as sucking. One or two are born each year in Hawaii.
- (2) From a legal standpoint, all fifty states define brain dead as the absence of all brain activity, including brain stem. Therefore anencephalic infants are not dead. Furthermore, a change in the definition may apply not only to anencephalics, but to others, such as those in persistently vegetative states or deep comas. This expansion is not desirable. Moreover, a change in the definition would violate the State and federal constitutions, which prohibit the taking of a person's life without due process of law.
- (3) From an ethical perspective, anencephalic infants have value by the fact of being alive. They should have the right to remain alive until they die of natural causes. Furthermore, should the law be changed to

consider anencephalics to be dead, then the law might subsequently be expanded, unjustifiably, to include other groups as well.

The hearing provided a forum for a wide variety of opinions to be expressed and for the Committee to interact with the individuals expressing those opinions. Your Committee hopes that this kind of dialog among those with different opinions will continue. In the course of the discussion, it became clear that advances in medical technology is the underlying reason for the issue of re-defining death to be raised. Specifically, the technology to transplant human organs has raised the question of whether the organs of anencephalic infants should be used to provide life for others. Advances in medical technology have raised a broad array of issues, and the issue addressed by this resolution is part of this array.

After full and free discussion, your Committee has amended the resolution as follows:

- (1) Changed the title of the resolution to broaden it to read:

"HOUSE RESOLUTION REQUESTING A STUDY OF THE DEFINITION OF DEATH AS IT RELATES TO TECHNICAL ADVANCES IN MEDICAL PROCEDURES";
- (2) Revised the first WHEREAS paragraph from stating that a "long, healthy life" to "human life" is a very precious gift;
- (3) Added a WHEREAS paragraph stating that advances in medical technology raise disturbing new ethical, legal, and moral issues about death;
- (4) Added that the Legislative Reference Bureau is to consult with physicians, attorneys, religious leaders, and medical ethicists in performing the study;
- (5) Specified that the study of death include "issues raised by the birth of anencephalic infants" rather than "anencephalics"; and
- (6) Added a requirement for an interim report to be submitted to the Legislature prior to the 1995 Regular Session and a final report to be submitted prior to the 1996 Regular Session.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 24, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.R. No. 24, H.D. 1.

Signed by all members of the Committee.

SCRep. 1075-94 Agriculture on H.R. No. 331

The purpose of this resolution is to support the continuation of agricultural uses on dedicated and nondedicated lands statewide by requesting the City and County of Honolulu, and the Counties of Hawaii, Kauai, and Maui to initiate property tax relief and other incentives through review and revision of real property tax ordinances and rules.

Your Committee recognizes that the transition from sugar to other diversified agricultural crops will require the support of the counties in revising their real property tax ordinances to encourage and facilitate new agricultural ventures. Real property tax relief and the revision of real property tax laws would support the viability of agricultural industries.

The Department of Agriculture, the Deputy Director of the Land Use Research Foundation, and the Sierra Club, Hawai'i Chapter testified in support of the resolution. Supporting testimony was also received from Del Monte Fresh Produce (Hawaii) Inc. The Administrator of Appraisal Services of Campbell Estate also submitted extensive testimony on the resolution.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 331 and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs.

Signed by all members of the Committee except Representatives Chang, Morihara and Tam.

SCRep. 1076-94 Agriculture on H.C.R. No. 392

The purpose of this concurrent resolution is to support the continuation of agricultural uses on dedicated and nondedicated lands statewide by requesting the City and County of Honolulu, and the Counties of Hawaii, Kauai, and Maui to initiate property tax relief and other incentives through review and revision of real property tax ordinances and rules.

Your Committee recognizes that the transition from sugar to other diversified agricultural crops will require the support of the counties in revising their real property tax ordinances to encourage and facilitate new agricultural ventures. Real property tax relief and the revision of real property tax laws would support the viability of agricultural industries.

The Department of Agriculture, the Deputy Director of the Land Use Research Foundation, and the Sierra Club, Hawai'i Chapter testified in support of the concurrent resolution. Supporting testimony was also received from Del Monte Fresh Produce (Hawaii) Inc. The Administrator of Appraisal Services of Campbell Estate also submitted extensive testimony on the concurrent resolution.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 392 and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs.

Signed by all members of the Committee except Representatives Chang, Morihara and Tam.

SCRep. 1077-94 Health on H.R. No. 199

The purpose of this resolution is to request the Department of Health to develop an inventory of health services which it provides either directly or through contracts with private agencies.

Testimony supporting the intent of this measure was received from the Department of Health. However, the Department was concerned about the staffing that would be required for such a large task.

It was understood by your Committee that the Department of Health has undergone a complete reorganization to streamline and reduce bureaucracy where possible.

However, recognizing that the Department of Health has a great deal to offer in terms of the health services it provides, your Committee felt that an inventory of these services would be necessary in order for the public to properly utilize them.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 199 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 1078-94 Consumer Protection and Commerce on H.R. No. 85

The purpose of this resolution is to request the Public Utilities Commission ("Public Utilities Commission") to:

- (1) Conduct a full financial and management audit of GTE Hawaiian Telephone for the four year period from 1990 to 1994, including an audit of all of its regulated and nonregulated activities, in order to determine whether GTE Hawaiian Tel has received profits in excess of the amounts allowable as a fair return on its investment;
- (2) Hire as consultants a public accounting firm and telecommunications specialists to conduct the audit; and
- (3) Submit a final audit report to the Legislature no later than 20 days before the convening of the 1995 Regular Session.

Your Committee heard testimony from the PUC, the Consumer Advocate, GTE Hawaiian Tel and the American Association of Retired Persons (AARP). The PUC did not oppose the intent of this resolution, provided that it receives additional funding. The Consumer Advocate testified in support of this resolution with amendments. The AARP testified in support of this resolution with a suggested change in the rate review year.

Your Committee finds that there is a need to continue to monitor the practices of GTE Hawaiian Tel to ensure that it is not making excess profits to the detriment of Hawaii's ratepayers. Therefore, your Committees have accepted the suggested amendments by the Consumer Advocate to this resolution by requesting a full review of the rates by the PUC for the calendar year 1995 at the earliest time it deems appropriate.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 85, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 85, H.D. 1.

Signed by all members of the Committee except Representatives Hiraki, Hirono, Peters, Takamine and Tom.

SCRep. 1079-94 Consumer Protection and Commerce on H.C.R. No. 92

The purpose of this concurrent resolution is to request the Public Utilities Commission ("Public Utilities Commission") to:

- (1) Conduct a full financial and management audit of GTE Hawaiian Telephone for the four year period from 1990 to 1994, including an audit of all of its regulated and nonregulated activities, in order to determine whether GTE Hawaiian Tel has received profits in excess of the amounts allowable as a fair return on its investment;
- (2) Hire as consultants a public accounting firm and telecommunications specialists to conduct the audit; and
- (3) Submit a final audit report to the Legislature no later than 20 days before the convening of the 1995 Regular Session.

Your Committee heard testimony from the PUC, the Consumer Advocate, GTE Hawaiian Tel and the American Association of Retired Persons (AARP). The PUC did not oppose the intent of this resolution, provided that it receives additional funding. The Consumer Advocate testified in support of this resolution with amendments. The AARP testified in support of this resolution with a suggested change in the rate review year.

Your Committee finds that there is a need to continue to monitor the practices of GTE Hawaiian Tel to ensure that it is not making excess profits to the detriment of Hawaii's ratepayers. Therefore, your Committees have accepted the suggested amendments by the Consumer Advocate to this resolution by requesting a full review of the rates by the PUC for the calendar year 1995 at the earliest time it deems appropriate.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 92, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 92, H.D. 1.

Signed by all members of the Committee except Representatives Hiraki, Hirono, Peters, Takamine and Tom.

SCRep. 1080-94 Consumer Protection and Commerce and Judiciary on H.R. No. 91

The purpose of this resolution is to request the Department of Health, in conjunction with the United States Food and Drug Administration, and other enforcement agencies, to submit a report to the Legislature at least twenty days prior to the convening of the Regular Session of 1995 regarding the problems associated with the labeling of imported fish and its enforcement.

Supportive testimony was submitted by the State Representative of the 5th Representative District (Kailua-Kona-South Kona).

Comments were also submitted by the Department of Health (DOH).

The State Representative testified that commercial fishermen in Hawaii are having a difficult time making a living because of imported fish being sold in stores and restaurants under the assumption that they are "local" fish.

The DOH representative testified that due to limited resources, the difficulty in differentiating local from imported seafood, particularly when filleted, and because this is a marketing issue with no health significance, DOH has been able to investigate only flagrant violations as resources permit.

Your Committees also recognize that deceptive advertising and marketing practices in commodities other than food products are currently being regulated by the Office of Consumer Protection of the Department of Commerce and Consumer Affairs.

In light of this, your Committees have amended this resolution as follows:

- (1) Amended the title to read, "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF TRANSFERRING THE REGULATORY AUTHORITY OF THE DEPARTMENT OF HEALTH REGARDING DECEPTIVE ADVERTISING OF FOOD PRODUCTS TO THE OFFICE OF CONSUMER PROTECTION OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS";
- (2) Requested the Department of Commerce and Consumer Affairs, in conjunction with the Department of Health, to submit a report to the Legislature at least twenty days prior to the convening of the Regular Session of 1995, that shall include but not be limited to any proposed legislation it deems necessary to facilitate the transfer of regulatory authority from the Department of Health to the Department of Commerce and Consumer Affairs;
- (3) Inserted language noting that laws pertaining to unfair and deceptive trade practices, such as Chapters 480, and 481B, Hawaii Revised Statutes, are administered by the Office of Consumer Protection of the Department of Commerce and Consumer Affairs; and
- (4) Made technical, nonsubstantive revisions for purposes of clarity, style, and conformity.

As affirmed by the records of votes of the members of your Committees on Consumer Protection and Commerce and Judiciary that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 91, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 91, H.D. 1.

Signed by all members of the Committee except Representatives Chun, Herkes, Hiraki, Hirono, Peters, Takamine and White.

SCRep. 1081-94 Consumer Protection and Commerce and Judiciary on H.C.R. No. 100

The purpose of this concurrent resolution is to request the Department of Health, in conjunction with the United States Food and Drug Administration, and other enforcement agencies, to submit a report to the Legislature at least twenty days prior to the convening of the Regular Session of 1995 regarding the problems associated with the labeling of imported fish and its enforcement.

Supportive testimony was submitted by the State Representative of the 5th Representative District (Kailua-Kona-South Kona).

Comments were also submitted by the Department of Health (DOH).

The State Representative testified that commercial fishermen in Hawaii are having a difficult time making a living because of imported fish being sold in stores and restaurants under the assumption that they are "local" fish.

The DOH representative testified that due to limited resources, the difficulty in differentiating local from imported seafood, particularly when filleted, and because this is a marketing issue with no health significance, DOH has been able to investigate only flagrant violations as resources permit.

Your Committees also recognize that deceptive advertising and marketing practices in commodities other than food products are currently being regulated by the Office of Consumer Protection of the Department of Commerce and Consumer Affairs.

In light of this, your Committees have amended this concurrent resolution as follows:

- (1) Amended the title to read, "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF TRANSFERRING THE REGULATORY AUTHORITY OF THE DEPARTMENT OF HEALTH REGARDING DECEPTIVE ADVERTISING OF FOOD PRODUCTS TO THE OFFICE OF CONSUMER PROTECTION OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS";
- (2) Requested the Department of Commerce and Consumer Affairs, in conjunction with the Department of Health, to submit a report to the Legislature at least twenty days prior to the convening of the Regular Session of 1995, that shall include but not be limited to any proposed legislation it deems necessary to facilitate the transfer of regulatory authority from the Department of Health to the Department of Commerce and Consumer Affairs;
- (3) Inserted language noting that laws pertaining to unfair and deceptive trade practices, such as Chapters 480, and 481B, Hawaii Revised Statutes, are administered by the Office of Consumer Protection of the Department of Commerce and Consumer Affairs; and
- (4) Made technical, nonsubstantive revisions for purposes of clarity, style, and conformity.

As affirmed by the records of votes of the members of your Committees on Consumer Protection and Commerce and Judiciary that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 100, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 100, H.D. 1.

Signed by all members of the Committee except Representatives Chun, Herkes, Hiraki, Hirono, Peters, Takamine and White.

SCRep. 1082-94 Finance on H.C.R. No. 127

The purposes of this concurrent resolution are to request the Department of Accounting and General Services (DAGS) to:

- (1) Examine the feasibility of implementing "incentive bidding" or the "cost-time bid method" into its construction contracts, where appropriate and applicable; and
- (2) Submit a report of its findings to the Legislature no later than twenty days before the convening of the Regular Session of 1995.

Your Committee received testimony in support of this concurrent resolution from DAGS and a private citizen.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 127 and recommends its adoption.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1083-94 Finance on H.R. No. 115

The purposes of this resolution are to request the Department of Accounting and General Services (DAGS) to:

- (1) Examine the feasibility of implementing "incentive bidding" or the "cost-time bid method" into its construction contracts, where appropriate and applicable; and
- (2) Submit a report of its findings to the Legislature no later than twenty days before the convening of the Regular Session of 1995.

Your Committee received testimony in support of this resolution from DAGS and a private citizen.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 115 and recommends its adoption.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1084-94 Finance on H.R. No. 37

The purpose of this resolution is to request the Convention Center Authority to prepare a plan to mitigate the convention center's impact on the transportation network of the surrounding area, particularly on the congested Waikiki streets.

In addition, this resolution also requests the Convention Center Authority to:

- (1) Prepare the plan in conjunction with the Office of State Planning, the Department of Transportation, and the City and County of Honolulu Department of Transportation Services, Department of Planning, and Office of Waikiki Development; and
- (2) Submit its findings and recommendations to the Legislature no later than twenty days before the convening of the Regular Session of 1995.

Your Committee received favorable testimony on the resolution from the Convention Center Authority, the Office of Waikiki Development of the City and County of Honolulu, The Chamber of Commerce of Hawaii, the Waikiki Improvement Association, and two concerned citizens.

Upon consideration, your Committee has amended this resolution by:

- (1) Changing the title of the resolution to read: "HOUSE RESOLUTION REQUESTING THE CONVENTION CENTER AUTHORITY TO PREPARE A PLAN RECOMMENDING MEASURES TO MITIGATE THE CONVENTION CENTER'S IMPACT ON THE TRANSPORTATION NETWORK OF THE SURROUNDING AREA"; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 37, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 37, H.D. 2.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1085-94 Finance on H.C.R. No. 39

The purpose of this concurrent resolution is to request the Convention Center Authority to prepare a plan to mitigate the convention center's impact on the transportation network of the surrounding area, particularly on the congested Waikiki streets.

In addition, this concurrent resolution also requests the Convention Center Authority to:

- (1) Prepare the plan in conjunction with the Office of State Planning, the Department of Transportation, and the City and County of Honolulu Department of Transportation Services, Department of Planning, and Office of Waikiki Development; and
- (2) Submit its findings and recommendations to the Legislature no later than twenty days before the convening of the Regular Session of 1995.

Your Committee received favorable testimony on the concurrent resolution from the Convention Center Authority, the Office of Waikiki Development of the City and County of Honolulu, The Chamber of Commerce of Hawaii, the Waikiki Improvement Association, and two concerned citizens.

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

- (1) Changing the title of the concurrent resolution to read: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENTION CENTER AUTHORITY TO PREPARE A PLAN RECOMMENDING MEASURES TO MITIGATE THE CONVENTION CENTER'S IMPACT ON THE TRANSPORTATION NETWORK OF THE SURROUNDING AREA"; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 39, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 39, H.D. 2.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1086-94 Finance on H.R. No. 60

The purpose of this resolution is to request the Department of Health to address the shortage of dental treatment services in the County of Maui in consultation and coordination with the appropriate agencies affected, including but not limited to the Department of Human Services.

The Departments of Health and Human Services submitted comments on this resolution.

After free and open discussion, your Committee has amended this resolution by:

- (1) Replacing all references to "island of Maui", with "County of Maui"; and
- (2) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 60, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 60, H.D. 2.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1087-94 Finance on H.C.R. No. 55

The purpose of this concurrent resolution is to request the Department of Health to address the shortage of dental treatment services in the County of Maui in consultation and coordination with the appropriate agencies affected, including but not limited to the Department of Human Services.

The Departments of Health and Human Services submitted comments on this concurrent resolution.

After free and open discussion, your Committee has amended this concurrent resolution by:

- (1) Replacing all references to "island of Maui", with "County of Maui"; and
- (2) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 55, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 55, H.D. 2.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1088-94 Finance on S.B. No. 2963

The purposes of this bill are to:

- (1) Conform Hawaii's Income Tax Law to changes in the Internal Revenue Code; and
- (2) Provide relief from joint tax liability for innocent spouses when one spouse omits income or makes an erroneous deduction on a joint income tax return.

Conformity between the State and federal income tax law will simplify taxpayer compliance and ease administration of the state law. Changes made to the State Income Tax Law for conformity with the Internal Revenue Code include:

- (1) Making the low-income rental housing credit permanent;
- (2) Making the itemized deductions for high-income taxpayers permanent;
- (3) Requiring that charitable contributions of \$250 or more be acknowledged by the recipient;
- (4) Tightening the moving-expense deduction; and
- (5) Deleting the deduction for club memberships and lobbying expenses, and reducing the deduction for business meals and entertainment expenses.

The Department of Taxation, the Housing Finance and Development Corporation, The Chamber of Commerce of Hawaii, and the Hawaii Association of Realtors testified in support of this measure. The Tax Foundation of Hawaii also submitted testimony.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2963 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 Tajiri and Marumoto.

SCRep. 1089-94 Finance on S.B. No. 2966

The purpose of this bill is to clarify conflicting statutory provisions regarding tax credit and refund claims.

More specifically, this bill repeals language from the Hawaii Income Tax Law that disallows a tax credit or refund if the credit or refund claim was filed three years after the due date of the tax return.

The Department of Taxation testified in favor of this measure. The Tax Foundation of Hawaii also testified.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2966 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 Tajiri and Marumoto.

SCRep. 1090-94 Finance on S.B. No. 2970

The purpose of this bill is to clarify that remedies for tax refunds or credits for estate and transfer taxes, general excise taxes, fuel taxes, conveyance taxes, and rental motor vehicle and tour vehicle surcharge taxes, claimed for reasons other than for overpayment, may only be sought by appeal or by payment under protest with an action for recovery pursuant to Section 40-35, Hawaii Revised Statutes.

The bill also conforms the statute of limitations on credits or refunds of transient accommodation taxes and rental motor vehicle and tour vehicle surcharge taxes to the general excise tax law.

The Department of Taxation testified in support of this measure. The Tax Foundation of Hawaii also submitted testimony.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2970 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 Tajiri and Marumoto.

SCRep. 1091-94 Finance on S.B. No. 2971

The purpose of this bill is to apply the State's tax administration law relating to the suspension of the running of the statute of limitations during bankruptcy proceedings to the rental motor vehicle and tour vehicle surcharge tax law.

The Department of Taxation testified in favor of this measure. The Tax Foundation of Hawaii submitted comments on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2971 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 Tajiri and Marumoto.

SCRep. 1092-94 Finance on S.B. No. 3047

The purpose of this bill is to aid the Department of Budget and Finance in its change from the use of warrants to the use of checks.

Specifically, this bill will permit the automatic transfer of funds between accounts to cover payment of checks by the end of the day thereby avoiding overdrafts and the resultant unnecessary bank service charges.

Testimony in support of this measure was submitted by the Department of Budget and Finance.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3047 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 Kanohe, Tajiri, Tam and Marumoto.

SCRep. 1093-94 Finance on S.B. No. 2366

The purpose of this bill is to extend the use tax exemption for the time necessary for oil pollution removal equipment to be brought into the State and made ready for use.

Specifically, the bill would extend the use tax exemption for such equipment for an additional year.

Your Committee received supporting testimony from the Marine Spill Response Corporation. Testimony was also received from the Department of Taxation, the Tax Foundation of Hawaii, and the Sierra Club, Hawai'i Chapter.

Upon further consideration, your Committee has amended the bill by substituting its contents with the substantive language contained in H.B. No. 3550.

Your Committee notes that the original bill erroneously proposed to amend statutory provisions of Section 5 of Act 184, Session Laws of Hawaii (SLH) 1992, that was repealed on June 30, 1993. The amendments contained in H.B. No. 3550 would correct this error by reenacting Section 1 of Act 184, SLH 1992.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2366, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2366, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1094-94 Finance on S.B. No. 2378

The purpose of this bill is to comply with the general obligation bond debt limit requirements established under the Constitution of the State of Hawaii.

The Department of Budget and Finance submitted comments on this measure.

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

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2378, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2378, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1095-94 Finance on S.B. No. 2591

The purpose of this bill is to provide a tax refund to Hawaii taxpayers pursuant to Article VII, Section 6, of the Constitution of the State of Hawaii which mandates a tax refund or tax credit whenever the state general fund balance at the close of each of two successive fiscal years exceeds five percent of general fund revenues for each of the two fiscal years.

Your Committee finds that these factors have been met for the thirteenth consecutive year, and the tax credit established by this bill complies with the constitutional requirements.

The Department of Taxation and the Tax Foundation of Hawaii submitted testimony.

Your Committee has amended the bill by inserting a tax credit amount of \$1 per resident individual taxpayer.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2591, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2591, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1096-94 Finance on S.B. No. 2653

The purpose of this bill, as received by your Committee, is to extend the current suspension of the liquor tax escalator provision from June 30, 1993, to June 30, 1995.

Testimony in support of this bill was submitted by the Anheuser-Busch Companies. The Department of Taxation and the Tax Foundation of Hawaii submitted comments on this bill.

After free and open discussion, your Committee has amended this bill by:

- (1) Repealing the liquor tax escalator provision;
- (2) Providing unspecified tax rates for the periods of:
 - (a) July 1, 1995 to June 30, 1996;
 - (b) July 1, 1996 to June 30, 1997;
 - (c) July 1, 1997 to June 30, 1998; and
 - (d) July 1, 1998 and thereafter;
 for the various liquor categories, to facilitate further discussion; and
- (3) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2653, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2653, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1097-94 Finance on S.B. No. 2913

The purpose of this bill is to appropriate funds to pay for claims filed with the Comptroller on warrants that were not presented to the State Treasury within their prescribed time pursuant to Section 40-68, Hawaii Revised Statutes.

More specifically, this bill appropriates:

- (1) \$179,451.16 to pay for identified claims made during the first half of the 1993-1994 fiscal year on warrants that have escheated to the general fund; and
- (2) \$180,000.00 for fiscal year 1994-1995, to pay for additional claims projected to be made during the second half of the 1993-1994 fiscal year on warrants that have escheated to the general fund.

The Department of Accounting and General Services submitted testimony on this bill.

Your Committee has amended this bill by:

- (1) Clarifying that the sum of \$179,451.16 would be appropriated for fiscal year 1994-1995;
- (2) Amending the effective date to take effect on July 1, 1994; and
- (3) Making other technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2913, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2913, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Kanoho, Tajiri and Marumoto.

SCRep. 1098-94 Finance on S.B. No. 2964

The purpose of this bill is to remove references in the Hawaii General Excise Tax Law that may be interpreted as discriminating against manufacturers and producers selling their products in interstate commerce.

This measure responds to recent U.S. Supreme Court decisions that similar provisions in other states were unconstitutional because they discriminated against interstate commerce.

The Department of Taxation submitted testimony in support of the bill, and the Tax Foundation submitted comments on the bill.

Your Committee has amended the bill by making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2964, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2964, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1099-94 Finance on S.B. No. 2965

The purpose of this bill is to establish a state generation-skipping transfer tax in an amount equal to the federal credit on transfers of property located in the State and property from a resident trust.

The Department of Taxation submitted testimony in favor of this measure. The Tax Foundation of Hawaii submitted comments on this measure.

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

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2965, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2965, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1100-94 Finance on S.B. No. 299

The purpose of this bill is to exclude services performed by direct sellers from unemployment compensation payments and benefits under the Hawaii Employment Security Law.

Testimony in support of this bill was received from representatives of the Direct Selling Association, the National Federation of Independent Business, Tupperware, Amway Corporation, Avon Products Inc., Mary Kay Cosmetics, Inc., and the Longaberger Company. Your Committee also received testimony from the Department of Labor and Industrial Relations and the Hawaii Nurses' Association.

Your Committee has made technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 299, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 299, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1101-94 Finance on S.B. No. 1586

The purpose of this bill, as received by your Committee, is to authorize the issuance of special purpose revenue bonds to assist Hui Enekinia Hawaii in establishing a cogeneration facility and related water production facilities.

Upon careful consideration, your Committee has amended this bill by deleting its substance and inserting new material. As amended, the purpose of this bill is to authorize the issuance of special purpose revenue bonds to assist TONY! Ergonomic Key Systems in developing manufacturing facilities in the State.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1586, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1586, S.D. 2, H.D. 1.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1102-94 Finance on S.B. No. 2834

The purpose of this bill is to preserve the benefits of staff of the Hawaii Women, Infants, and Children Nutrition Program (WIC) whose temporary positions were converted to permanent positions.

Testimony in support of the bill was submitted by the Department of Health, the Hawaii Government Employees Association, and the United Public Workers.

Upon careful consideration, your Committee has amended the bill by:

- (1) Requiring that an employee must have worked for at least "six continuous months" rather than "six months" prior to the approval of this bill, so that emergency hires are excluded from qualifying for conversion from temporary to permanent status; and
- (2) Making technical, nonsubstantive amendments to correct minor drafting errors.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2834, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2834, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1103-94 Housing on H.C.R. No. 347

The purpose of this concurrent resolution is to request that a study be done by the Real Estate Research Institute of the University of Hawaii to ascertain the effects on the housing market if a single residential real estate property that was the deceased's principal residence is excluded from the "gross estate" for state estate tax filing purposes.

Your Committee heard testimony in support of this concurrent resolution and a request for amendments from the Hawaii Real Estate Research and Education Center.

Upon further consideration, your Committee has decided to amend this concurrent resolution so that it requests the Hawaii Real Estate Commission to fund this study, and that the term "Real Estate Research Institute of the University of Hawaii" is corrected to read "Hawaii Real Estate Research and Education Center".

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 347, as amended herein, and recommends that it be referred to the Committee on Higher Education and the Arts in the form attached hereto as H.C.R. No. 347, H.D. 1.

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

SCRep. 1104-94 Housing on H.R. No. 310

The purpose of this resolution is to request that a study be done by the Real Estate Research Institute of the University of Hawaii to ascertain the effects on the housing market if a single residential real estate property that was the deceased's principal residence is excluded from the "gross estate" for state estate tax filing purposes.

Your Committee heard testimony in support of this resolution and a request for amendments from the Hawaii Real Estate Research and Education Center.

Upon further consideration, your Committee has decided to amend this resolution so that it requests the Hawaii Real Estate Commission to fund this study, and that the term "Real Estate Research Institute of the University of Hawaii" is corrected to read "Hawaii Real Estate Research and Education Center".

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 310, as amended herein, and recommends that it be referred to the Committee on Higher Education and the Arts in the form attached hereto as H.R. No. 310, H.D. 1.

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

SCRep. 1105-94 Housing on H.C.R. No. 346

The purpose of this concurrent resolution is to request that the City and County of Honolulu develop a protocol for Waikiki which is intended to preserve affordable rental units while the affected properties are being planned for new development.

Your Committee heard testimony in favor of this concurrent resolution from the Ala Wai Gateway Tenants Association, the Hawaii Developers Council, Duke Sturgeon, and the Kokua Council for Senior Citizens. The Hawaii Developers Council requested an amendment allowing landlords to apply for permits as soon as notice of eviction is given, and Duke Sturgeon requested an amendment requiring relocation plans.

Your Committee, upon further consideration, has amended this concurrent resolution to request that the City and County of Honolulu, instead of developing a protocol to preserve affordable rentals in Waikiki, instead work with developers through the permit process to preserve rental units, and to streamline the permit process in coordination with the landlord-tenant code.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 346, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.C.R. No. 346, H.D. 1.

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

SCRep. 1106-94 Tourism on H.C.R. No. 452

The purpose of this concurrent resolution is to request the President of the United States and the U.S. Department of State to review and reverse the decision to postpone approval of Japan Air Lines route between Sendai City, Japan and Honolulu and to approve it immediately.

Your Committee received testimony in support of this concurrent resolution from Representative Gene Ward, the Department of Business, Economic Development and Tourism, and the Hawaii Visitors Bureau.

Your Committee finds that the proposed air route from Sendai to Honolulu was a major step toward developing the Japan visitor market beyond the Tokyo metropolitan area, a market with great growth potential. The delay in opening the route adversely affects Hawaii's economy and reduces Hawaii's competitiveness in the critical Japan visitor market.

Your Committee revised this concurrent resolution by:

1. Adding to those receiving certified copies the United States Secretary of Transportation, the Minister of Transportation of Japan, the Governor of Miyagi Prefecture, the presiding officer of the Legislature of Miyagi Prefecture, and the Mayor of the city of Sendai;
2. Making technical, non-substantive changes for the purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Tourism that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 452, as amended herein, and recommends that it be referred to the Committees on Transportation and Intergovernmental Relations and International Affairs in the form attached hereto as H.C.R. No. 452, H.D. 1.

Signed by all members of the Committee except Representative Ishii-Morikami.

SCRep. 1107-94 Tourism on H.R. No. 89

The purpose of this resolution is to request the Department of Business, Economic Development, and Tourism, and the Hawaii Visitors Bureau to examine the economic benefits of promoting Hawaii as a destination for tourism, convention and business travel.

Your Committee received testimony in support of this resolution from the Department of Business, Economic Development and Tourism, the Hawaii Visitors Bureau, Villa Pacific Marketing Group, the Hawaii Hispanic Chamber of Commerce, the United States Hispanic Chamber of Commerce, California Hispanic Magazine, the Texas Association of Mexican American Chambers of Commerce, the Black Convention, the Institute for Organizational Training and Development, the Japanese American Citizens League, Alma Latina Productions, and William Brophy.

Your Committee finds that the 1993 Tourism Congress recommended that the tourism marketing plan include a process for targeting individual market segments. Hawaii has very little presence in the niche market of Black and Hispanic travelers, and a report by the Department of Business, Economic Development, and Tourism, and the Hawaii Visitors Bureau on the feasibility of greater efforts in this direction could result in economic windfalls to Hawaii.

As affirmed by the record of votes of the members of your Committee on Tourism that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 89 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Ishii-Morikami.

SCRep. 1108-94 Tourism on H.C.R. No. 98

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism, and the Hawaii Visitors Bureau to examine the economic benefits of promoting Hawaii as a destination for tourism, convention and business travel.

Your Committee received testimony in support of this concurrent resolution from the Department of Business, Economic Development and Tourism, the Hawaii Visitors Bureau, Villa Pacific Marketing Group, the Hawaii Hispanic Chamber of Commerce, the United States Hispanic Chamber of Commerce, California Hispanic Magazine, the Texas Association of Mexican American Chambers of Commerce, the Black Convention, the Institute for Organizational Training and Development, the Japanese American Citizens League, Alma Latina Productions, and William Brophy.

Your Committee finds that the 1993 Tourism Congress recommended that the tourism marketing plan include a process for targeting individual market segments. Hawaii has very little presence in the niche market of Black and Hispanic travelers, and a report by the Department of Business, Economic Development, and Tourism, and the Hawaii Visitors Bureau on the feasibility of greater efforts in this direction could result in economic windfalls to Hawaii.

As affirmed by the record of votes of the members of your Committee on Tourism that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 98 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Ishii-Morikami.

SCRep. 1109-94 Health on H.R. No. 109

The purpose of this resolution is to request the Legislative Reference Bureau to study the feasibility of transferring Molokai General Hospital to the Division of Community Hospitals of the Department of Health.

The Department of Health testified that it is not in an expansionary phase, and would prefer to seek another solution to enabling Molokai General Hospital to provide a wider array of services, which a transfer will not accomplish. However, the Department of Health agreed to assist the Legislative Reference Bureau in performing the feasibility study if Queen's Healthcare System, the community, and the Legislature felt that a transfer would be an appropriate long-term option.

The Department of Health clarified a possible misunderstanding and stated that the State has never owned Molokai General Hospital, which is a private hospital located on privately-owned land. As such, your Committee is concerned about the various procedures that may be required to effect a transfer, especially since this kind of transfer is not often executed. If the transfer is determined to be feasible, the study should determine the necessary procedures.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 109 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 1110-94 Water and Land Use Planning on H.C.R. No. 367

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to develop impact and user fees for the State and County Parks System.

Your Committee received testimony from the Department of Land and Natural Resources and two private citizens.

Testimony received in support of this measure indicated community concern regarding the lack of maintenance at some park. Your Committee finds that during financially austere times, user fees for state and county parks may be an alternative to consider.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 367 and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs.

Signed by all members of the Committee except Representative Tajiri.

SCRep. 1111-94 Consumer Protection and Commerce and Judiciary on H.R. No. 93

The purpose of this resolution is to support the City and County of Honolulu in its enactment of an ordinance regulating non-profit sidewalk vendors in Waikiki.

Your Committees heard testimony in support of this resolution from the Department of Business, Economic Development & Tourism, Waikiki Improvement Association, Royal Hawaiian Shopping Center and Office of Waikiki Development of the City and County of Honolulu.

There was no testimony in opposition to this measure.

Your Committees find that the Department of Taxation is researching the legality of imposing general excise and income tax on non-profit religious groups covered by this resolution. Your Committees believe that this resolution should also support the Department of Taxation's efforts to enforce the State's tax laws with respect to these non-profit vendors in Waikiki.

Your Committees have amended this resolution by:

- (1) Adding the word "promptly" in the title to reinforce the urgency of this measure;
- (2) Deleting the references to the selling of goods from tables as this measure is intended to support the prohibition of selling goods along pedestrian walkways not only the selling from tables; and
- (3) Adding a further resolution to support the Department of Taxation in its enforcement of the tax laws in an appropriate manner with respect to these non-profit vendors in Waikiki.

As affirmed by the records of votes of the members of your Committees on Consumer Protection and Commerce and Judiciary that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 93, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 93, H.D. 1.

Signed by all members of the Committees except Representatives Chun, Hiraki, Hirono, Peters, Takamine and White.

SCRep. 1112-94 Consumer Protection and Commerce and Judiciary on H.C.R. No. 103

The purpose of this concurrent resolution is to support the City and County of Honolulu in its enactment of an ordinance regulating non-profit sidewalk vendors in Waikiki.

Your Committees heard testimony in support of this concurrent resolution from the Department of Business, Economic Development & Tourism, Waikiki Improvement Association, Royal Hawaiian Shopping Center and Office of Waikiki Development of the City and County of Honolulu.

There was no testimony in opposition to this measure.

Your Committees find that the Department of Taxation is researching the legality of imposing general excise and income tax on non-profit religious groups covered by this concurrent resolution. Your Committees believe that this concurrent resolution should also support the Department of Taxation's efforts to enforce the State's tax laws with respect to these non-profit vendors in Waikiki.

Your Committees have amended this concurrent resolution by:

- (1) Adding the word "promptly" in the title to reinforce the urgency of this measure;
- (2) Deleting the references to the selling of goods from tables as this measure is intended to support the prohibition of selling goods along pedestrian walkways not only the selling from tables; and
- (3) Adding a further resolution to support the Department of Taxation in its enforcement of the tax laws in an appropriate manner with respect to these non-profit vendors in Waikiki.

As affirmed by the records of votes of the members of your Committees on Consumer Protection and Commerce and Judiciary that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 103, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 103, H.D. 1.

Signed by all members of the Committees except Representatives Chun, Hiraki, Hirono, Peters, Takamine and White.

SCRep. 1113-94 Economic Development and Business Concerns on H.R. No. 42

The purpose of this resolution is to request the State Auditor to conduct a comprehensive review of all federal, state, and county laws, rules, and procedures that impact small businesses.

In addition, the resolution also requests the State Auditor to identify those laws, rules, or requirements that hinder the formation, operation, and expansion of small businesses in Hawaii and to develop recommendations to facilitate the removal of those barriers.

Your Committee believes that in doing a comprehensive review, the Auditor should solicit the guidance and direction of various organizations and agencies of the small business community.

The National Federation of Independent Business, the Hawaii Hispanic Chamber of Commerce, and the Small Business Council of The Chamber of Commerce testified in support of the resolution. Testimony was also received from the Department of Business, Economic Development, and Tourism and a private citizen.

Accordingly, your Committee has amended the resolution by:

- (1) Making reference to include in the review, the cooperative efforts of such groups as the National Federation of Independent Business, the Governor's Small Business Advisory Committee, Small Business Hawaii, and the Small Business Council of The Chamber of Commerce; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 42, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 42, H.D. 1.

Signed by all members of the Committee except Representatives M. Ige, Tam and Marumoto.

SCRep. 1114-94 Economic Development and Business Concerns on H.C.R. No. 46

The purpose of this concurrent resolution is to request the State Auditor to conduct a comprehensive review of all federal, state, and county laws, rules, and procedures that impact small businesses.

In addition, the concurrent resolution also requests the State Auditor to identify those laws, rules, or requirements that hinder the formation, operation, and expansion of small businesses in Hawaii and to develop recommendations to facilitate the removal of those barriers.

Your Committee believes that in doing a comprehensive review, the Auditor should solicit the guidance and direction of various organizations and agencies of the small business community.

The National Federation of Independent Business, the Hawaii Hispanic Chamber of Commerce, and the Small Business Council of The Chamber of Commerce testified in support of the concurrent resolution. Testimony was also received from the Department of Business, Economic Development, and Tourism and a private citizen.

Accordingly, your Committee has amended the concurrent resolution by:

- (1) Making reference to include in the review, the cooperative efforts of such groups as the National Federation of Independent Business, the Governor's Small Business Advisory Committee, Small Business Hawaii, and the Small Business Council of The Chamber of Commerce; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 46, 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. 46, H.D. 1.

Signed by all members of the Committee except Representatives M. Ige, Tam and Marumoto.

SCRep. 1115-94 Intergovernmental Relations and International Affairs on H.R. No. 48

The purpose of this resolution is to request Hawaii's congressional delegation to initiate and support legislation to ensure that all World War II Filipino veterans are granted the same benefits as others who served in the Armed Forces of the United States during that conflict.

Testimony in support of this measure was submitted by the Office of Veterans' Services and the Filipino American Veterans.

Your Committee finds that at present only those Filipino servicemen who served either in the United States Armed Forces or in the Philippine Scouts are eligible for veterans' benefits.

However, numerous other Philippine units served with equal distinction in the Second World War, enduring combat, internment, and other hardships.

Your Committee is in accord with this resolution and urges the congressional delegation to take steps to grant all Filipino World War II veterans the same benefits as those enjoyed by all who served in the United States Armed Forces during that conflict.

As affirmed by the record of votes of the members of your Committee on Intergovernmental Relations and International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 48 and recommends that it be referred to the Committee on Labor and Public Employment.

Signed by all members of the Committee except Representatives Hagino and Shon.

SCRep. 1116-94 Intergovernmental Relations and International Affairs on H.C.R. No. 48

The purpose of this concurrent resolution is to request Hawaii's congressional delegation to initiate and support legislation to ensure that all World War II Filipino veterans are granted the same benefits as others who served in the Armed Forces of the United States during that conflict.

Testimony in support of this measure was submitted by the Office of Veterans' Services and the Filipino American Veterans.

Your Committee finds that at present only those Filipino servicemen who served either in the United States Armed Forces or in the Philippine Scouts are eligible for veterans' benefits.

However, numerous other Philippine units served with equal distinction in the Second World War, enduring combat, internment, and other hardships.

Your Committee is in accord with this concurrent resolution and urges the congressional delegation to take steps to grant all Filipino World War II veterans the same benefits as those enjoyed by all who served in the United States Armed Forces during that conflict.

As affirmed by the record of votes of the members of your Committee on Intergovernmental Relations and International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 48 and recommends that it be referred to the Committee on Labor and Public Employment.

Signed by all members of the Committee except Representatives Hagino and Shon.

SCRep. 1117-94 Intergovernmental Relations and International Affairs on H.R. No. 4

The purpose of this resolution is to request the United States Department of Defense to evaluate its current facilities in Okinawa and to return land not directly needed for military purposes.

Testimony in support of this measure was submitted by the American Friends Service Committee.

Your Committee recognizes that both the Prefectural Government and the people of Okinawa have expressed their desire for the return of facilities not needed for U.S. military purposes. At the same time, your Committee finds that it is currently the domestic policy of the U.S. Government to return surplus military lands to local governmental bodies.

As affirmed by the record of votes of the members of your Committee on Intergovernmental Relations and International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 4 and recommends its adoption.

Signed by all members of the Committee except Representatives Hagino and Shon.
(Representative Ward voted no.)

SCRep. 1118-94 Intergovernmental Relations and International Affairs on H.C.R. No. 5

The purpose of this concurrent resolution is to request the United States Department of Defense to evaluate its current facilities in Okinawa and to return land not directly needed for military purposes.

Testimony in support of this measure was submitted by the American Friends Service Committee.

Your Committee recognizes that both the Prefectural Government and the people of Okinawa have expressed their desire for the return of facilities not needed for U.S. military purposes. At the same time, your Committee finds that it is currently the domestic policy of the U.S. Government to return surplus military lands to local governmental bodies.

As affirmed by the record of votes of the members of your Committee on Intergovernmental Relations and International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 5 and recommends its adoption.

Signed by all members of the Committee except Representatives Hagino and Shon.
(Representative Ward voted no.)

SCRep. 1119-94 Agriculture on H.C.R. No. 68

The purpose of this concurrent resolution is to request the formation of a task force to:

- (1) Promote the viability of the sugar industry on Kauai;
- (2) Explore career options for displaced sugar workers; and
- (3) Plan for alternate uses of vacated sugar lands.

Specifically, the concurrent resolution requests the Office of State Planning (OSP) to form and to serve as the lead agency of a Kauai agricultural task force to develop and implement a plan to accomplish the provisions set forth in the concurrent resolution.

However, your Committee recognizes the efforts of the task force, the Kauai Sugar Alliance, which convened in mid-January, 1994, to discuss and look at the survival and sustainability of the sugar plantations on Kauai. Your Committee believes that it is essential to examine the continued economic viability of the sugar industry in Kauai and throughout the State.

Testimony in support of the measure was received from the Kauai County Council, the Lihue Plantation Company, and Kekaha Sugar Company. The Office of State Planning testified in support of the intent of the concurrent resolution. Testimony was also received from the County of Kauai.

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

- (1) Requesting that the Governor and the Mayor of Kauai build upon the Kauai Sugar Alliance and expand its responsibilities into a state-county task force chaired by the Chairperson of the Board of Agriculture and vice-chaired by the Director of the Office of Economic Development of the County of Kauai;
- (2) Making further revisions throughout the measure to conform to the amended BE IT RESOLVED clause; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 68, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 68, H.D. 1.

Signed by all members of the Committee except Representativea Morihara and Tam.

SCRep. 1120-94 Energy and Environmental Protection on H.C.R. No. 481

The purpose of this concurrent resolution is to urge Hawaii's electric utilities to investigate and adopt various programs that would facilitate the deployment of renewable energy systems in the State. Included among the programs posed are "green pricing," "off-grid photovoltaics" and various other options.

Testimony supporting the intent of H.C.R 481 was received from the following agencies and organizations:

- (1) The Department of Business, Economic Development, and Tourism;
- (2) The Department of Commerce and Consumer Affairs;
- (3) The Hawaii Green Party;
- (4) The Public Utilities Commission;
- (5) The Pacific International Center for High Technology Research; and
- (6) The Hawaiian Electric Company.

All those who testified, agreed that the measures posed merited considerations by the Public Utilities Commission and the Department of Business, Economic Development and Tourism offered its resources, including staff support, to the Commission. While supporting the intent of the concurrent resolution, the Hawaiian Electric Company expressed the view that the proposed options should be addressed through the Public Utilities Commission's Integrated Resource Planning Process.

Your Committee has amended this concurrent resolution by making non-substantive, technical amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 481, 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. 481, H.D. 1.

Signed by all members of the Committee except Representativea Hiraki, Hirono and Takamine.

SCRep. 1121-94 Human Services and Intergovernmental Relations and International Affairs on H.R. No. 189

The purpose of this resolution is to request Hawaii's congressional delegation to propose and support legislation assisting Amerasian children of United States servicemembers in the Philippines.

Testimony from the Philippine Consulate, United Filipino Council of Hawaii, Filipino Coalition For Solidarity, Inc., Filipino Chamber of Commerce of Hawaii, Child and Family Service, Foundation for Amerasian Childrens Emergency Support, Catholic Charities of the Diocese of Honolulu, and a private citizen was received in support of this resolution.

It is noted by your Committees that P.L. 97-359, also known as the Amerasian Immigration Act of 1982, was approved by Congress on October 22, 1982. This Act would allow children of American citizens from Thailand, Korea, Vietnam, Laos, and Kampuchea to emigrate to the United States under sponsorship of an American. Excluded, however, were the children of the Philippines.

It is also noted by your Committees that the American military presence in the Philippines have left an enduring legacy of more than 30,000 Amerasian children. Many of these children are sexually abused, live in poverty, treated as outcasts, and exploited in the Philippines.

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

- (1) Correcting the name of the U.S. Congressman to Lucien Blackwell; and
- (2) Including the United Filipino Council of Hawaii, Filipino Chamber of Commerce, Child and Family Service, Foundation for Amerasian Childrens Emergency Support, Catholic Immigration Center, and Interagency Council to the list of entities who receive certified copies of the resolution.

As affirmed by the records of votes of the members of your Committees on Human Services and Intergovernmental Relations and International Affairs that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 189, as amended herein, and recommend that it be referred to the Committee on Judiciary in the form attached hereto as H.R. No. 189, H.D. 1.

Signed by all members of the Committees except Representatives Alcon, Hagino, Peters, Santiago, Tanimoto and Ward.

SCRep. 1122-94 Human Services and Intergovernmental Relations and International Affairs on H.C.R. No. 201

The purpose of this concurrent resolution is to request Hawaii's congressional delegation to propose and support legislation assisting Amerasian children of United States servicemembers in the Philippines.

Testimony from the Philippine Consulate, United Filipino Council of Hawaii, Filipino Coalition For Solidarity, Inc., Filipino Chamber of Commerce of Hawaii, Child and Family Service, Foundation for Amerasian Childrens Emergency Support, Catholic Charities of the Diocese of Honolulu, and a private citizen was received in support of this concurrent resolution.

It is noted by your Committees that P.L. 97-359, also known as the Amerasian Immigration Act of 1982, was approved by Congress on October 22, 1982. This Act would allow children of American citizens from Thailand, Korea, Vietnam, Laos, and Kampuchea to emigrate to the United States under sponsorship of an American. Excluded, however, were the children of the Philippines.

It is also noted by your Committees that the American military presence in the Philippines have left an enduring legacy of more than 30,000 Amerasian children. Many of these children are sexually abused, live in poverty, treated as outcasts, and exploited in the Philippines.

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

- (1) Correcting the name of the U.S. Congressman to Lucien Blackwell; and
- (2) Including the United Filipino Council of Hawaii, Filipino Chamber of Commerce, Child and Family Service, Foundation for Amerasian Childrens Emergency Support, Catholic Immigration Center, and Interagency Council to the list of entities who receive certified copies of the resolution.

As affirmed by the records of votes of the members of your Committees on Human Services and Intergovernmental Relations and International Affairs that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 201, as amended herein, and recommend that it be referred to the Committee on Judiciary in the form attached hereto as H.C.R. No. 201, H.D. 1.

Signed by all members of the Committees except Representatives Alcon, Hagino, Peters, Santiago, Tanimoto and Ward.

SCRep. 1123-94 Human Services on H.R. No. 388

The purpose of this resolution is to request the Department of Human Services to facilitate the relocation of Makaala.

Testimony from Makaala Inc. and two private individuals was received in support of this resolution. The Department of Human Services submitted testimony expressing their involvement, along with the Department of Transportation and representatives of Makaala Inc., to relocate Makaala employees and their business endeavors within the Honolulu International Airport complex. The department will continue to assist Makaala and are continuing discussions with the Blind Vendors Ohana, Inc. to consider the hiring of employees with disabilities from Makaala to operate the vending stands at the Honolulu International Airport.

Your Committee is in full support of this resolution.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 388 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1124-94 Human Services on H.C.R. No. 464

The purpose of this concurrent resolution is to request the Department of Human Services to facilitate the relocation of Makaala.

Testimony from Makaala Inc. and two private individuals was received in support of this concurrent resolution. The Department of Human Services submitted testimony expressing their involvement, along with the Department of Transportation and representatives of Makaala Inc., to relocate Makaala employees and their business endeavors within the Honolulu International Airport complex. The department will continue to assist Makaala and are continuing discussions with the Blind Vendors Ohana, Inc. to consider the hiring of employees with disabilities from Makaala to operate the vending stands at the Honolulu International Airport.

Your Committee is in full support of this concurrent resolution.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 464 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1125-94 Human Services on H.R. No. 311

The purpose of this resolution is to request the Legislative Reference Bureau to review the provision of transportation services available to persons with disabilities in each county and to make recommendations regarding the development or improvements necessary to ensure responsiveness to the transportation needs of persons with disabilities.

Testimony from the State Planning Council on Developmental Disabilities and Commission on Persons with Disabilities was received in support of this resolution. The Office of the Legislative Reference Bureau had concerns regarding its ability to respond to the request made through the measure.

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

- (1) Requesting the Legislative Reference Bureau and the Commission on Persons with Disabilities to submit complementary, but separate reports to the Legislature;
- (2) Clarifying the specific roles both the Legislative Reference Bureau (data-gathering) and the Commission on Persons with Disabilities (appropriateness of services) are to address; and
- (3) Clarifying the specific issues each organization is requested to address.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 311, as amended herein, and recommends that it be referred to the Committee on Transportation in the form attached hereto as H.R. No. 311, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki, Peters and Santiago.

SCRep. 1126-94 Human Services on H.C.R. No. 348

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to review the provision of transportation services available to persons with disabilities in each county and to make recommendations regarding the development or improvements necessary to ensure responsiveness to the transportation needs of persons with disabilities.

Testimony from the State Planning Council on Developmental Disabilities and Commission on Persons with Disabilities was received in support of this concurrent resolution. The Office of the Legislative Reference Bureau had concerns regarding its ability to respond to the request made through the measure.

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

- (1) Requesting the Legislative Reference Bureau and the Commission on Persons with Disabilities to submit complementary, but separate reports to the Legislature;
- (2) Clarifying the specific roles both the Legislative Reference Bureau (data-gathering) and the Commission on Persons with Disabilities (appropriateness of services) are to address; and
- (3) Clarifying the specific issues each organization is requested to address.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 348, as amended herein, and recommends that it be referred to the Committee on Transportation in the form attached hereto as H.C.R. No. 348, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki, Peters and Santiago.

SCRep. 1127-94 Human Services on H.R. No. 313

The purpose of this resolution is to request the Legislative Reference Bureau, in cooperation with the Attorney General, and the Departments of Commerce and Consumer Affairs and Human Services, to conduct a study on the extent of no-fault motor vehicle insurance coverage provided to persons receiving public assistance.

Testimony from the Department of Commerce and Consumer Affairs was received in support of the resolution. The Department of Human Services submitted testimony expressing their cooperation with the conduct of the study, but as far as legal implication, they defer to the Attorney General.

The Office of the Legislative Reference Bureau submitted testimony in opposition to this resolution. They feel this study is not needed and cites numerous sections of the Hawaii Revised Statutes supporting their claim.

Upon further consideration, your Committee has decided to pass this resolution. Your Committee has concerns regarding recipients who are on welfare and who do not have accessibility to public transportation. They should be allowed to own a vehicle (to transport themselves to and from work or to care for their family) and have motor vehicle insurance to protect other motorists involved in an accident where the public assistance recipient is at fault. Other public assistance recipients who have accessibility to public transportation should be encouraged to use public transportation alternatives as their primary form of transportation before being able to own a vehicle and receive motor vehicle insurance.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 313 and recommends that it be referred to the Committees on Consumer Protection and Commerce and Judiciary.

Signed by all members of the Committee except Representatives Arakaki, Peters and Santiago.

SCRep. 1128-94 Human Services on H.C.R. No. 355

The purpose of this concurrent resolution is to request the Legislative Reference Bureau, in cooperation with the Attorney General, and the Departments of Commerce and Consumer Affairs and Human Services, to conduct a study on the extent of no-fault motor vehicle insurance coverage provided to persons receiving public assistance.

Testimony from the Department of Commerce and Consumer Affairs was received in support of the concurrent resolution. The Department of Human Services submitted testimony expressing their cooperation with the conduct of the study, but as far as legal implication, they defer to the Attorney General.

The Office of the Legislative Reference Bureau submitted testimony in opposition to this concurrent resolution. They feel this study is not needed and cites numerous sections of the Hawaii Revised Statutes supporting their claim.

Upon further consideration, your Committee has decided to pass this concurrent resolution. Your Committee has concerns regarding recipients who are on welfare and who do not have accessibility to public transportation. They should be allowed to own a vehicle (to transport themselves to and from work or to care for their family) and have motor vehicle insurance to protect other motorists involved in an accident where the public assistance recipient is at fault. Other public assistance recipients who have accessibility to public transportation should be encouraged to use public transportation alternatives as their primary form of transportation before being able to own a vehicle and receive motor vehicle insurance.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 355 and recommends that it be referred to the Committees on Consumer Protection and Commerce and Judiciary.

Signed by all members of the Committee except Representatives Arakaki, Peters and Santiago.

SCRep. 1129-94 Human Services on H.C.R. No. 453

The purpose of this concurrent resolution is to request that the Auditor conduct a study to determine the merits of the existing joint underwriting plan as it pertains to providing no-fault insurance without cost to welfare recipients and to recommend legislation for alternatives to eliminate the apparent inequities under the present system.

Testimony from The Chamber of Commerce and the Department of Commerce and Consumer Affairs was received in support of the intent of this concurrent resolution. The Department of Human Services submitted testimony neither in support nor in opposition to this concurrent resolution. The department did, however, state that they would cooperate with the Auditor in conducting the study.

Your Committee is in full support of this measure.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 453 and recommends that it be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee except Representatives Arakaki, Peters and Santiago.

SCRep. 1130-94 Human Services on H.C.R. No. 267

The purpose of this concurrent resolution is to request the Office of Children and Youth to serve as a clearinghouse for community groups seeking to address the problem of the impact of violent videos on children.

Testimony from the Governor's Office of Children and Youth was received in support with the intent of the concurrent resolution. However, resource and staff constraints limit their ability to take on the responsibility for performing the functions of a clearinghouse.

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

- (1) Changing the title of the concurrent resolution to "REQUESTING THE OFFICE OF CHILDREN AND YOUTH TO ADDRESS THE PROBLEM OF THE IMPACT OF VIOLENCE IN THE MEDIA ON CHILDREN.";
- (2) Expressing the importance of community and parental involvement in the role of prevention;
- (3) Stating that the issue of violence prevention has been added to and included with substance abuse prevention and education;
- (4) Including the expenditures of funds from the Governor's portion of the Drug Free Schools and Communities Act to be used to expand public awareness and promote parent education about the impact of violence in the media;
- (5) Listing examples of what constitute media; and
- (6) Deleting the substantive portions of the concurrent resolution that requested OCY to seek input from community groups and to assist these groups in the creation of one or more action plans to deal with the problem of violence in the media.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 267, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 267, H.D. 1.

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

SCRep. 1131-94 Higher Education and the Arts on H.R. No. 183

The purpose of this resolution is to request the University of Hawai'i administration to reclassify teaching positions in the new intensive courses in English (NICE) program and Hawai'i English language program (HELP), so that the teachers will be eligible to receive commensurate pay and benefits.

Your Committee received testimony generally in support of this measure from the University of Hawai'i at Manoa, the University of Hawaii Professional Assembly, teachers from the HELP and NICE program, teachers from Tokai University at Honolulu, and concerned private citizens.

Your Committee was informed by Dean Joseph Choy of the University of Hawai'i that a study is currently being conducted to determine the feasibility of reclassifying teachers of the HELP and NICE program in order that the teachers

may receive commensurate pay and benefits. Dean Choy has assured your Committee that the study shall be completed prior to the beginning of the fall semester of 1994.

Your Committee has amended this resolution as follows:

- (1) Inserting a request that the University of Hawai'i submit a report to the Eighteenth Legislature at least twenty days before the convening of the Regular Session of 1995 on a study to determine the feasibility of reclassifying teachers of NICE and HELP under a different classification in order that the teachers may qualify for commensurate pay and benefits; and
- (2) Making technical and nonsubstantive amendments for purposes of style, consistency, and clarity.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 183, as amended herein, and recommends that it be referred to the Committee on Labor and Public Employment in the form attached hereto as H.R. No. 183, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

S.C.Rep. 1132-94 Higher Education and the Arts on H.C.R. No. 195

The purpose of this concurrent resolution is to request the University of Hawai'i administration to reclassify teaching positions in the new intensive courses in English (NICE) program and Hawai'i English language program (HELP), so that the teachers will be eligible to receive commensurate pay and benefits.

Your Committee received testimony generally in support of this measure from the University of Hawai'i at Manoa, the University of Hawaii Professional Assembly, teachers from the HELP and NICE program, teachers from Tokai University at Honolulu, and concerned private citizens.

Your Committee was informed by Dean Joseph Choy of the University of Hawai'i that a study is currently being conducted to determine the feasibility of reclassifying teachers of the HELP and NICE program in order that the teachers may receive commensurate pay and benefits. Dean Choy has assured your Committee that the study shall be completed prior to the beginning of the fall semester of 1994.

Your Committee has amended this concurrent resolution as follows:

- (1) Inserting a request that the University of Hawai'i submit a report to the Eighteenth Legislature at least twenty days before the convening of the Regular Session of 1995 on a study to determine the feasibility of reclassifying teachers of NICE and HELP under a different classification in order that the teachers may qualify for commensurate pay and benefits; and
- (2) Making technical and nonsubstantive amendments for purposes of style, consistency, and clarity.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 195, as amended herein, and recommends that it be referred to the Committee on Labor and Public Employment in the form attached hereto as H.C.R. No. 195, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1133-94 Higher Education and the Arts on H.R. No. 356

The purpose of this resolution is to encourage the President of the University of Hawai'i to assess the feasibility of retaining its tuition and fee revenues.

University of Hawai'i tuition and fee revenues are currently being returned to the general fund as HRS 304-8 currently specifies. At the present time the demand for state support by agencies exceeds the amount of funding available for distribution and the decrease in traditional revenue sources to the State is expected to continue for the near future. The University must consider other sources of additional revenue since the enrollment in the regular credit programs at the University of Hawai'i is at the highest level in the history of the University and the downturn in the State's economy may affect the Legislatures's ability to adequately support the University in meeting the needs of these increasing number of students.

Testimony in support of this resolution was received from the Hawai'i State Teachers Association, the University of Hawai'i Professional Assembly and the Director of Planning and Policy, University of Hawai'i.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 356 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1134-94 Higher Education and the Arts on H.C.R. No. 416

The purpose of this concurrent resolution is to encourage the President of the University of Hawai'i to assess the feasibility of retaining its tuition and fee revenues.

University of Hawai'i tuition and fee revenues are currently being returned to the general fund as HRS 304-8 currently specifies. At the present time the demand for state support by agencies exceeds the amount of funding available for distribution and the decrease in traditional revenue sources to the State is expected to continue for the near future. The University must consider other sources of additional revenue since the enrollment in the regular credit programs at the University of Hawai'i is at the highest level in the history of the University and the downturn in the State's economy may affect the Legislatures's ability to adequately support the University in meeting the needs of these increasing number of students.

Testimony in support of this concurrent resolution was received from the Hawai'i State Teachers Association, the University of Hawai'i Professional Assembly and the Director of Planning and Policy, University of Hawai'i.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 416 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1135-94 Higher Education and the Arts on H.C.R. No. 316

The purpose of this concurrent resolution is to encourage the proclamation of an "Archaeology Week" for the State of Hawaii.

This concurrent resolution encourages the Governor to proclaim the week of April 1 to April 9, 1995, as "Hawaii Archaeology Week" and to make it an annual event thereafter. By establishing this special observance, the State of Hawaii will be able to promote public awareness and education about archaeological research and site preservation. "Archaeology Week" would facilitate a public education and outreach program that would involve activities offered statewide for children, adults, and families, including archaeological site visits, museum exhibits, lecture series, videos, and archaeological demonstrations.

Testimony in support of this concurrent resolution was received from the Society for Hawaiian Archaeology. Representative D. Ululani Beirne issued a memorandum in support, stating that: an archaeology week would bring to the public's attention historic research with respect to our sites; the preservation and understanding of historic sites would promote Hawaii's cultural heritage; knowledge of the past would help us understand today and thus prepare for the future; and the preservation of Hawaii's historic sites, knowledge, and cultural heritage would help develop the ever-increasing cultural segment of the tourist market

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 316 and recommends its adoption.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1136-94 Higher Education and the Arts on S.C.R. No. 28

The purpose of this concurrent resolution is to encourage the University of Hawaii (UH) to expand its outreach efforts on the neighbor islands.

This concurrent resolution encourages the UH actively to determine the needs of neighbor island residents, deliver the needed courses, programs, and degrees, and equalize as far as possible the outreach efforts on each island. By undertaking these efforts, the UH will be able to fulfill its commitment to make higher education accessible and affordable to all citizens of the State.

Testimony in support of this concurrent resolution was received from the University of Hawaii.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 28, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1137-94 Health on H.R. No. 241

The purpose of this resolution is to request that the Department of Health evaluate its community residential treatment system.

Testimony supporting the intent of this measure was received from the Department of Health.

It was noted by your Committee that the Department of Health has tried to comply with the guidelines and principles expressed in Chapters 334-101 through 334-105, Hawaii Revised Statutes. Further, the Department stated that although they have attempted to comply with these chapters, their lack of financial resources has not allowed them to meet all the needs for residential programming.

It was also brought to your Committee's attention that substance abusing individuals should also be included as part of this evaluation because they received access to the statewide system of residential treatment programs.

Accordingly, your Committee has amended this measure by including substance abusing individuals as part of this evaluation.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 241, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 241, H.D. 1.

Signed by all members of the Committee.

SCRep. 1138-94 Health on H.C.R. No. 259

The purpose of this concurrent resolution is to request that the Department of Health evaluate its community residential treatment system.

Testimony supporting the intent of this measure was received from the Department of Health.

It was noted by your Committee that the Department of Health has tried to comply with the guidelines and principles expressed in Chapters 334-101 through 334-105, Hawaii Revised Statutes. Further, the Department stated that although they have attempted to comply with these chapters, their lack of financial resources has not allowed them to meet all the needs for residential programming.

It was also brought to your Committee's attention that substance abusing individuals should also be included as part of this evaluation because they received access to the statewide system of residential treatment programs.

Accordingly, your Committee has amended this measure by including substance abusing individuals as part of this evaluation.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 259, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 259, H.D. 1.

Signed by all members of the Committee.

SCRep. 1139-94 Health on H.R. No. 252

The purpose of this measure is to request the Auditor to conduct an annual financial audit of the community hospitals that have been granted autonomy by the State.

Testimony submitted by the Department of Health stated that although they understood the intent of the resolution, they felt that an audit by the Legislative Auditor would only add administrative "red tape" to an already streamlined community hospital system.

It was noted by your Committee that the purpose of the autonomy program was to free the community hospitals from administrative gridlock and create a more efficient system.

However, your Committee has received reports of managerial and operational problems at Maui Memorial Hospital.

Therefore, this measure has been amended by:

- (1) Including only Maui Memorial Hospital as part of this audit; and
- (2) Making the audit a general rather than a financial audit; and
- (3) Amending language to make the audit to be done on a one-time basis rather than annually.

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

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 252, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 252, H.D. 1.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 1140-94 Health on H.C.R. No. 269

The purpose of this measure is to request the Auditor to conduct an annual financial audit of the community hospitals that have been granted autonomy by the State.

Testimony submitted by the Department of Health stated that although they understood the intent of the concurrent resolution, they felt that an audit by the Legislative Auditor would only add administrative "red tape" to an already streamlined community hospital system.

It was noted by your Committee that the purpose of the autonomy program was to free the community hospitals from administrative gridlock and create a more efficient system.

However, your Committee has received reports of managerial and operational problems at Maui Memorial Hospital.

Therefore, this measure has been amended by:

- (1) Including only Maui Memorial Hospital as part of this audit; and
- (2) Making the audit a general rather than a financial audit; and
- (3) Amending language to make the audit to be done on a one-time basis rather than annually.

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

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 269, 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. 269, H.D. 1.

Signed by all members of the Committee except Representative Tanimoto.

SCRep. 1141-94 Health on H.R. No. 196

The purpose of this resolution is to request the Legislative Auditor to study the social and financial impact of mandatory health insurance coverage for dermatologists as primary care providers.

Proponents of this measure included the Hawaii Dermatological Society, the Hawaiian Society of Naturopathic Physicians, the Hawaii Medical Services Association, and several dermatologists.

The Department of Health opposed this measure feeling that a "pandoras box" would be opened if we allowed certain groups of medical specialists to be considered primary care providers. They were also concerned that if other specialists were granted primary care status, than public safety could be jeopardized because several physicians could be treating the same patient and may not know what each other is doing to that patient.

However, your Committee noted that people generally know when they should see a dermatologist. Further, it was felt that costs could be contained by allowing patients to see a dermatologist as a primary care provider.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 196 and recommends that it be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee.

SCRep. 1142-94 Health on H.C.R. No. 207

The purpose of this concurrent resolution is to request the Legislative Auditor to study the social and financial impact of mandatory health insurance coverage for dermatologists as primary care providers.

Proponents of this measure included the Hawaii Dermatological Society, the Hawaiian Society of Naturopathic Physicians, the Hawaii Medical Services Association, and several dermatologists.

The Department of Health opposed this measure feeling that a "pandoras box" would be opened if we allowed certain groups of medical specialists to be considered primary care providers. They were also concerned that if other specialists were granted primary care status, than public safety could be jeopardized because several physicians could be treating the same patient and may not know what each other is doing to that patient.

However, your Committee noted that people generally know when they should see a dermatologist. Further, it was felt that costs could be contained by allowing patients to see a dermatologist as a primary care provider.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 207 and recommends that it be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee.

SCRep. 1143-94 Health on H.R. No. 102

The purpose of this legislation is to encourage the Department of Health to utilize doctorate of psychology interns to provide mental health services for the State.

Proponents of this measure included the Department of Health, the Hawaii Psychological Association, and a student from the Forest Institute of Professional Psychology.

It was brought to your Committee's attention that there is a severe shortage of trained psychological service providers and availability of psychological services to the community. Further, your Committee noted that by utilizing doctorate of psychology interns, a pool of potential resources to assist in the provision of inpatient and outpatient services could be drawn upon by the Department of Health.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 102 and recommends that it be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee.

SCRep. 1144-94 Health on S.C.R. No. 20

The purpose of this concurrent resolution is urge Hawaii's congressional delegation to protect Hawaii's prepaid health care system.

Testimonies in support of this concurrent resolution were received from the Department of Labor and Industrial Relations, the Hawaii Medical Association, the Hawaii Medical Services Association, and the Department of Health.

Your Committee notes that national health care reform is in the near future and that it has become very clear that Hawaii may not benefit if it is included carte blanche into a national health care plan without having some form of flexibility built in.

Further, your Committee felt that although no one knows what the national health care plan will have on Hawaii, all efforts should be taken to ensure that what Hawaii has achieved under the Prepaid Health Care Act will not be diminished by Federal standards or requirements that do not benefit Hawaii's residents.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 20, S.D. 1, and recommends that it be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee.

SCRep. 1145-94 Consumer Protection and Commerce on S.B. No. 2722

The purpose of this bill is to clarify and strengthen regulatory law pertaining to time shares.

More specifically, this bill, as received:

- (1) Requires plan manager or developer registrations to be renewed on December 31 of each even-numbered year, and acquisition agent, sales agent, or exchange agent registrations to be renewed on December 31 of each odd-numbered year (Section 1);
- (2) Authorizes the Director of Commerce and Consumer Affairs to contract with private consultants to review time share unit or interest disclosures filed pursuant to subsections 514E-10(a), and (f), Hawaii Revised Statutes (HRS) (Section 2);
- (3) Establishes minimum specifications on the dimensions, lettering size, and posting height of permanent signs disclosing the words, "TIME SHARE", that must be displayed at all registered time share booths, and clarifies that the failure to comply with the foregoing requirements shall constitute an unlawful or deceptive practice pursuant to Chapter 480, HRS (Section 3);
- (4) Increases the administrative fine for violations of Chapter 514E, HRS, from not less than \$500 nor more than \$10,000, to not less than \$5,000 nor more than \$25,000 (Section 4); and
- (5) Provides that no renewal of plan manager or developer registrations be required in 1994, and states that plan manager or developer registrations authorized to conduct business during the 1994-1995 biennium be extended to December 31, 1996 (Section 5).

Supportive testimony was submitted by the Mayor of Maui County and a member of the Maui County Council.

Testimony in opposition to this bill was submitted by ARDA-Hawaii and concerned time share owners.

Comments were also submitted by the Department of Commerce and Consumer Affairs (DCCA); the Activity Owners Association of Hawaii; the LahainaTown Action Committee; Rent-A-Local on Maui; and Maui Downhill.

The owners of numerous businesses in Lahaina, Maui, testified that they have been adversely affected by noncompliance with existing time share signage requirements pursuant to Section 514E-11(11), HRS. However, members of your Committee have not reached consensus on whether noncompliance is a problem affecting the entire State, or only certain localized areas on the islands of Maui and Hawaii.

In light of this, your Committee believes the issue of whether sign laws should be clarified or strengthened should be left to the purview of the county governments, which are in a better position to ascertain the need to regulate commercial activities that specifically affect their respective jurisdictions, as through the enactment of zoning, building, and nuisance ordinances.

In addition, your Committee notes that the increases in administrative fines to "not less than \$5,000 and not more than \$25,000", would conform civil penalties to criminal fines issued to class B felons, or persons convicted of, inter alia, manslaughter, assault in the first degree, and rape in the second degree. Furthermore, the DCCA representative testified that currently, no other regulatory program administered by DCCA is authorized to issue an administrative fine of the magnitude proposed in this bill.

After careful consideration, your Committee has amended this bill as follows:

- (1) Deleted Sections 3 and 4 of the bill, as received, pertaining to sign specifications, and administrative fines, respectively;
- (2) Clarified that plan manager or developer registrations be renewed by December 31 of each even-numbered year, and acquisition agent, sales agent, or exchange agent registrations be renewed by December 31 of each odd-numbered year;
- (3) Clarified that the registration or renewal authorizing a plan manager or developer to conduct time share business during the period beginning on January 1, 1994, and ending December 31, 1995, be extended to December 31, 1996; and
- (4) Making technical, nonsubstantive revisions for purposes of clarity, style, and conformity.

It is the intent of your Committee that consultants be used to review developer renewal applications only, rather than for all time share registrants listed in Section 514E-10(f), HRS.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2722, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2722, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Bainum, Hiraki, Hirono, Peters, Takamine and Thielen.

SCRep. 1146-94 Judiciary on S.B. No. 2294

The purpose of this bill is to establish a night court in the First Circuit to handle non-jury domestic abuse cases and prostitution-related cases.

Your Committee received testimony from the Citizens Conference on Judicial Selection on a proposed amendment to this bill to amend Article VI, Section 3, of the Hawaii Constitution to change the number of nominees for judicial appointments from the Judicial Selection Commission to the Governor from a minimum of six to no less than four and no more than six.

Your Committee has amended this bill to propose a constitutional amendment to Article VI, Section 3, of the Hawaii Constitution, to change the number of nominees for judicial appointments from the Judicial Selection Commission to the Governor from a minimum of six to no less than four and no more than six.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2294, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2294, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 1147-94 Judiciary on S.B. No. 2513

The purpose of this bill is to amend Article VI, Section 4, of the Constitution of the State of Hawaii by clarifying the length of time a member of the Judicial Selection Commission (Commission) may serve.

Your Committee finds that the bill implements a recommendation of the 1993 Citizens Conference on Judicial Selection that a commissioner should hold office for no more than six years. Current language limits commissioners to one six-year

term. Technically, a commissioner completing another commissioner's less than full term could serve up to eleven years on the Commission. This bill would clarify that six years is the maximum length of service on the Commission.

Your Committee received testimony in support of this measure from the Hawaii State Bar Association and Mothers Against Drunk Driving.

Your Committee has amended this bill by making technical and nonsubstantive amendments for purposes of consistency and clarity.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2513, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2513, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Bunda, Cachola, Oshiro and Peters.

SCRep. 1148-94 Judiciary on S.B. No. 2620

The purpose of the bill, as received by your Committee, was to establish a statewide fireworks law, while permitting the counties to further regulate or prohibit fireworks.

Testimony in support of the measure was received by your Committee from a representative of the Kokua Council for Senior Citizens. Testimony suggesting revisions to this measure was received by your Committee from a representative of the Legislative Information Services of Hawaii.

Your Committee finds that the current practice of county regulation of fireworks has been unworkable. Despite increased law enforcement, the recent holidays have seen no reduction in the use of dangerous fireworks.

Your Committee believes that statewide regulation of fireworks is the only means toward reducing certain forms of fireworks that are a danger to the community.

Your Committee has amended the measure by eliminating the current language and substituting a more comprehensive scheme of regulation of fireworks and by providing for state control over the subject.

Among other things, the amendments provide that the State Fire Council, which is within the Department of Labor and Industrial Relations, will be responsible for administering the regulatory aspects of this new fireworks law. Special and common fireworks are defined, special fireworks are banned without a special permit, parental responsibility for minor's use of fireworks is imposed, and a general regulatory and penalty scheme is set up.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2620, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2620, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Bunda, Cachola, Oshiro and Peters.

SCRep. 1149-94 Judiciary on S.B. No. 2829

The purpose of this bill is to change the size of the area in which it is permissible to campaign on election day from a one thousand foot radius around the polling place to a distance of one hundred feet from the perimeter of the polling place and its appurtenances.

The Office of the Lieutenant Governor, submitting testimony on its own behalf and also on behalf of the Association of Clerks and Election Officers of Hawaii, supports this bill. The Office of the Attorney General also submitted testimony in support of this bill.

Your Committee recognizes that candidates for public office have a right to express their views freely, as do all other citizens. In examining the proper boundaries for campaigning on election day, however, your Committee finds that citizens exercising their right to vote also have a right to be free from harassment. It is clear that a balance must be struck between a candidate's freedom of speech and a citizen's protection from harassment.

After discussion, your Committee has decided that the one hundred foot perimeter proposed in the current bill infringes too much on the rights of voting citizens.

Therefore, your Committee has amended this measure as follows:

- (1) Replacing the "one hundred" feet requirement with a "three hundred" feet requirement; and
- (2) Making technical and nonsubstantive changes for purposes of consistency, style, and clarity.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2829, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2829, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Cachola, Oshiro and Peters.

SCRep. 1150-94 Judiciary on S.B. No. 2880

The purpose of the bill is to preserve the integrity of land registered in accordance with Chapter 501, Hawaii Revised Statutes, by recognizing the authority of the certificate of title in determining encumbrances to which registered land is subject.

Your Committee received testimony in support of the measure from representatives of the Judiciary, the Department of Land and Natural Resources, the Board of Water Supply of the City and County of Honolulu, and a private law firm.

Your Committee finds that the bill will clarify the specificity with which an encumbrance must be noted on a certificate of title in order to provide the holder of the certificate of title with notice sufficient to encumber the land.

Your Committee has amended the measure by making technical, nonsubstantive amendments for the purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2880, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2880, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Bunda, Cachola, Oshiro and Peters.

SCRep. 1151-94 Judiciary on S.B. No. 2949

The purpose of this bill is to permit the Hawaii Civil Rights Commission (Commission) to disclose non-privileged records pertaining to an investigation at the request of one of the parties to a complaint filed with the Commission.

The Office of Information Practices, the Hawaii Civil Rights Commission, and the National Employment Lawyers Association submitted testimony generally in support of the bill, with suggested amendments.

Your Committee finds that making certain records accessible to the parties involved will expedite the complaint process without prejudicing the outcome of the investigation. After reviewing the testimony submitted, your Committee has amended this measure by:

- (1) Specifying that the witness must not have requested that the witness statement be kept confidential; and
- (2) Making technical, non-substantive amendments for the purposes of clarity and conformance to legislative drafting standards.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2949, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2949, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Bunda, Cachola, Oshiro and Peters.

SCRep. 1152-94 Judiciary on S.B. No. 1803

The purpose of the bill as received by your Committee is to allow the inclusion of the fingerprints of juveniles taken into custody for law violations into the Hawaii State Automated Fingerprint Identification System ("AFIS").

Your Committee received testimony in support of the measure from representatives of the Attorney General, the Judiciary, and the Police Department of the City and County of Honolulu.

Your Committee recognizes that some crimes, particularly burglaries, are difficult to solve without use of the Automated Fingerprint Identification System. At the same time, your Committee recognizes that Hawaii's juvenile justice system was created under the concept that the system should operate in a manner separate and different from the adult correctional system.

Your Committee believes that in the area of fingerprints the correct balance can be maintained by exercising some caution in the use and distribution of fingerprint records.

To this end, your Committee has amended the bill by:

- 1) Providing that fingerprints may enter the system only when felony type offenses are charged;
- 2) Permitting entry into the system only when the child is age 12 or above;
- 3) Providing that fingerprint records of juveniles should be purged if they were acquired as the result of a charge which was not upheld;

- 4) Providing that fingerprint records of juveniles should be purged when the child turns eighteen or two years after the fingerprints entered the system, whichever is later; and
- 5) Providing that the fingerprint records not be transmitted out of the state, since the state would then lose control over their distribution and use.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1803, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1803, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Bunda, Cachola, Oshiro and Peters.

SCRep. 1153-94 Judiciary on S.B. No. 1605

The purpose of this bill is to enact a new section in Chapter 486K on hotelkeeper's liability for certain beach and ocean activities.

Testimony in favor of amending the bill to allow for legal representation, paid for by the counties, for county officers and employees who are civilly sued or criminally prosecuted for acts undertaken in the performance of their official powers and duties, was received from the Department of the Corporation Counsel of the City and County of Honolulu and the Department of Public Works of the City and County of Honolulu.

Your Committee finds that legal protection for policemen, firefighters, and liquor commissioners acting within the scope of their duties is currently provided for, and that other county employees and officials should receive similar legal protection.

Your Committee has amended this bill by deleting the new section to Chapter 486K and inserting two new sections to Chapter 46 to:

- (1) Allow for legal representation for county officers and employees who are civilly sued or criminally prosecuted for acts undertaken in the performance of their official powers and duties, by the Corporation Counsel, County Attorney, or attorneys other than the Corporation Counsel or County Attorney.
- (2) Provide that the determination of whether the acts were done in the performance of the officer's or employee's powers and duties will be made by the Corporation Counsel or County Attorney and shall be conclusive.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1605, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1605, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Bunda, Cachola, Herkes, Hirono, Oshiro and Peters.

SCRep. 1154-94 Judiciary on S.B. No. 2393

The purpose of this bill, as received by your Committee, was to prohibit persons subject to ex parte restraining orders from possessing or controlling any firearm or ammunition.

Numerous organizations testified in support of the measure, including a representative from the Office of the Attorney General and the Office of the Prosecutor, as well as the Police Chiefs of the City and County of Honolulu, and the Counties of Hawaii, Kauai, and Maui.

Your Committee also received comments with regard to the proposal from many organizations and several hundred individuals.

Your Committee has considered this measure, together with additional related matters which were referred to your Committee on the subject of firearms, and has concluded that this measure should be amended to an omnibus bill that can serve to set forth the position of the House of Representatives with respect to the subject of firearm control.

For that reason, your Committee has amended the measure by creating an internally consistent omnibus firearm control bill.

Your Committee notes that both the scientific and lay community are divided as to the best approach when dealing with the issue of gun control. Proponents of a ban on the purchase of handguns and retroactive registration of rifles cite statistics which demonstrate that these measures will promote public health and safety, while opponents of such measures point to other scientific studies disputing such conclusions, and indeed, positing that such measures will serve to increase gun violence.

Your Committee finds that the scientific study of these policy issues is still in its infancy. These studies, whether advocating or disparaging stricter controls over guns, concede that further research and more data are necessary before firm conclusions can be drawn.

But even the supporters of handgun bans and retroactive registration acknowledge that a ban on the purchase of handguns and retroactive universal registration of all firearms are experiments whose beneficial impact, if any, on public health will not be felt for many, many years, because there will remain an estimated 400,000 firearms in our State.

In addition, if a ban is adopted, a new, dangerous, lucrative and unregulated black market for handguns is sure to arise. Also of concern is the fact that experience in other states have shown that even limited retroactive registration has been poorly complied with. Questions about the impact of retroactive registration remain unanswered in the area of its impact on law enforcement and court congestion.

Your Committee has decided, therefore, that registration of rifles and shotguns should only be required when they are purchased or transferred.

In crafting an omnibus bill, your Committee has made numerous amendments to the present measure. Such changes include:

- (1) Providing that aliens may get six-month permits for the use of firearms if they are in training for sport-shooting contest;
- (2) Adopting a requirement for safety training prior to the issuance of a handgun permit;
- (3) Adopting prospective universal registration of firearms (with certain exceptions);
- (4) Expanding prohibition of gun ownership to people who are under treatment or counseling for drug abuse or dependence;
- (5) Providing a procedure for permitting certain ex parte orders to include prohibitions of possession of firearms as well as a method to recover such weapons;
- (6) Adding a new section to the Hawaii Revised Statutes to impose absolute liability, in most circumstances, upon the owner of a handgun, for any damages caused by the discharge of the weapons; and
- (7) Making technical and nonsubstantive changes for purposes of consistency, style, and clarity.

Your Committee believes that this comprehensive bill, as amended, provides a solid approach to the problems caused by careless or criminal use of firearms.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2393, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2393, 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. 1155-94 Judiciary on S.B. No. 2515

The purpose of this bill is to amend Article VI, Section 4, of the Constitution of the State of Hawaii to change the number of appointees to the Judicial Selection Commission by the Governor, Chief Justice, Speaker of the House of Representatives, and the President of the Senate.

Your Committee received testimony in support of the purpose of this measure from the Hawaii State Bar Association, Mothers Against Drunk Driving, and the Citizens Conference on Judicial Selection.

Your Committee has amended this bill to reduce the number of members of the Commission appointed by the Governor from two to one, and to increase the number of members of the Commission appointed by the Speaker of the House from two to three.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2515, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2515, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Bunda, Cachola, Oshiro and Peters.

SCRep. 1156-94 Judiciary on S.B. No. 256

The purpose of the bill, as received by your Committee, was to create a school smoking prevention special fund and to require all employers to restrict smoking in their workplaces to designated smoking areas.

Your Committee received testimony generally in support of the intent of the measure, and generally in support of a proposed revision of the measure, but with reservations about certain provisions, from representatives of the Department of Health, the American Heart Association, the American Lung Association of Hawaii, the Hawaii Restaurant Association, the Hilton Hawaiian Village, the Hawaii Thoracic Society and other businesses, individuals, and organizations.

Your Committee finds that the regulation of second-hand smoke can best be handled on a statewide level based upon an approach which addresses the wishes of the non-smoker to breathe healthy, clean air as well as the desires of others, both resident and visitor, to smoke cigarettes in certain enclosed locations.

Your Committee believes that both smoker and non-smoker can be accommodated by requiring employers to adopt a workplace policy which matches the currently successful approach used in state and county office buildings and by addressing the special circumstances of food service establishments by requiring restaurants that wish to permit smoking to provide ventilation to a degree which minimizes any health risk or annoyance to non-smokers.

In order to provide consistency to the regulations, your Committee has exempted the dining areas of food service establishments from the workplace policy. Your Committee has used the term "food service establishment" in this connection, instead of "restaurant", with the intent that the workplace policy not apply to food service establishments, including bars, in the area where patrons gather.

Your Committee is concerned that those smaller establishments which depend on smokers for much of their income may not be able to stay in business if smoking is either banned by the state or capital improvements are required to meet new ventilation rates. Your Committee believes these smaller establishments should continue to have the flexibility to adopt smoking policies on their own, based on the perceived wishes of their patrons. Many, particularly fast food restaurants, have already decided to completely ban smoking.

Your Committee recognizes that with Hawaii's fragile visitor industry, a total ban on smoking could prove to be a fatal blow to many businesses, large and small, which rely on visitors for their economic vitality. At the same time, your Committee believes that steps must be taken to improve the air quality in restaurants so that a non-smoker, whether resident or visitor, can be assured that tobacco smoke will not be present in an amount which will pose either an annoyance or an appreciable health risk.

Your Committee believes that the past practice of regulating smoking county by county was based on a view that smoking in an inappropriate location was primarily a nuisance to others as opposed to a health problem, and as such it was regulated by the counties. Now that the issue of second-hand smoke is being viewed from a public health perspective, its regulation should be treated no differently than other public health concerns, i.e., as properly the province of the State, and regulated by the State through the Department of Health.

Therefore, your Committee has amended the bill by eliminating the language in the current measure and substituting a comprehensive statutory arrangement for regulating smoking throughout the state, replacing all county control.

The regulatory framework includes:

- (1) Prohibiting distribution of tobacco samples near youth facilities;
- (2) Requiring that restaurants devote at least fifty percent of their total dining area to non-smokers, and requiring restaurants wishing to permit smoking after July 1, 1995, to meet stringent, statutorily mandated air quality or ventilation standards;
- (3) Preempting the counties from enacting ordinances or adopting rules regulating the sale, use, distribution, or promotion of cigarettes or other tobacco products; and
- (4) Requiring private businesses which employ more than five persons to adopt and maintain a written smoking policy.

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

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 256, 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. 256, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Cachola, Herkes, Hirono and Peters.

SCRep. 1157-94 Human Services on H.C.R. No. 242

The purpose of this concurrent resolution is to express legislative support for the efforts of the "Taking Care of My Net" conference participants and to recognize the value of a prevention orientation to address the physical, social, and economic problems facing society. The concurrent resolution also specifies strategies that should be adopted in pursuing a vision that is proactive and collaborative, while strengthening protective factors within the community.

Testimony in support of the concurrent resolution was submitted by the Department of Health, the Office of Youth Services, and an individual. According to testimony, primary prevention fosters higher values, promotes well-being, anticipates basic needs, and assists the community in attaining its needs. Prevention is humane because it minimizes and eliminates needless pain and suffering, and it is cost-effective because it averts problems before they occur by developing productive, contributing members of our community.

Your Committee has amended the concurrent resolution as follows:

- (1) Added that protective factors include a sense of self-worth, where each individual can feel accepted regardless of race, gender, national origin, religion, or disability; and

- (2) Made technical, nonsubstantive revisions for purposes of style and clarity

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 242, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 242, H.D. 1.

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

SCRep. 1158-94 Energy and Environmental Protection on H.R. No. 239

The purpose of this resolution is to request the Department of Health to assist the City and County of Honolulu, Department of Wastewater Management, in identifying those cesspools on the North Shore of Oahu that are failing. In addition, the measure requests that the Department of Wastewater Management give highest priority to the pumping and treatment of these failing, North Shore cesspools.

The Committee recognizes the potential health threats posed by the effects of failing cesspools on coastal waters, streams, and underlying aquifers. The Committee is also aware of the need for a coordinated effort between the City and County of Honolulu's Department of Wastewater Management and the Department of Health to identify failing cesspools on the North Shore, an area with a high rate of cesspool failure.

Your Committee received testimony supporting the intent of H.R. No. 239 from the Department of Health and a concerned citizen from the North Shore.

Your Committee has amended this resolution by deleting lines 24-28 on page 4, requesting the Department of Health to adopt administrative rules.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 239, as amended herein, and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs in the form attached hereto as H.R. No. 239, H.D. 1.

Signed by all members of the Committee except Representatives Hiraki, Hirono and Takamine.

SCRep. 1159-94 Energy and Environmental Protection on H.C.R. No. 257

The purpose of this concurrent resolution is to request the Department of Health to assist the City and County of Honolulu, Department of Wastewater Management, in identifying those cesspools on the North Shore of Oahu that are failing. In addition, the measure requests that the Department of Wastewater Management give highest priority to the pumping and treatment of these failing, North Shore cesspools.

The Committee recognizes the potential health threats posed by the effects of failing cesspools on coastal waters, streams, and underlying aquifers. The Committee is also aware of the need for a coordinated effort between the City and County of Honolulu's Department of Wastewater Management and the Department of Health to identify failing cesspools on the North Shore, an area with a high rate of cesspool failure.

Your Committee received testimony supporting the intent of H.C.R. No. 257 from the Department of Health and a concerned citizen from the North Shore.

Your Committee has amended this concurrent resolution by deleting lines 24-28 on page 4, which had requested the Department of Health to adopt administrative rules.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 257, as amended herein, and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs in the form attached hereto as H.C.R. No. 257, H.D. 1.

Signed by all members of the Committee except Representatives Hiraki, Hirono and Takamine.

SCRep. 1160-94 Energy and Environmental Protection on H.C.R. No. 248

The purpose of this concurrent resolution is to urge the development of a statewide, comprehensive environmental education initiative to educate our citizens about maintaining and protecting the environment.

Your Committee recognizes that an environmentally educated and sensitive citizenry is invaluable to promoting a high quality environment. The Committee believes that the most effective means to protect the environment is responsible citizens who have the knowledge to prevent the destruction of the environment.

Testimony in support of H.C.R. 248 was received from the following agencies and organizations:

- (1) The Department of Land and Natural Resources;
- (2) The Hawaii Association of Conservation Districts;

- (3) The Hawaii Nature Center;
- (4) Bishop Museum;
- (5) The Department of Health; and
- (6) The University of Hawaii's Environmental Center.

All those who testified agreed on the importance of establishing a statewide environmental educational policy. In addition to supporting the measure, the Department of Health recommended that the Department be included as a coordinating agency for this initiative.

Your Committee amended this concurrent resolution by adding the Department of Health to the list of coordinating agencies, as the Department requested.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 248, as amended herein, and recommends that it be referred to the Committees on Education and Higher Education and the Arts in the form attached hereto as H.C.R. No. 248, H.D. 1.

Signed by all members of the Committee except Representatives Hiraki, Hirono and Takamine.

SCRep. 1161-94 Intergovernmental Relations and International Affairs on H.R. No. 75

The purpose of this resolution, as received by your Committee, is to request Hawaii's congressional delegation to urge the United States Immigration and Naturalization Service to reassess its processing practices for applications for nonimmigrant visas for visitors from South Korea and Taiwan.

Testimony in support of this resolution was received from the Department of Business, Economic Development, and Tourism.

Your Committee finds that there has been a decline in visitor arrivals from the traditional tourist markets of the mainland, Canada, and Europe. Not surprisingly, serious economic consequences have accompanied this decline. To deal with this problem, it is important that Hawaii diversify into tourist markets in other parts of the world.

Potentially, the largest future market for Hawaii's tourist industry lies in South Korea, Taiwan, and the other emerging economies of Asia.

Hawaii is in a prime position to capitalize on this vast tourist market. However, your Committee finds that existing restrictions on nonimmigrant visas for temporary visitors makes it difficult for prospective tourists to travel here from Asian countries.

This resolution, as received by your Committee, applies only to visitors from South Korea and Taiwan. Upon further consideration, your Committee finds that the scope of this measure is too restrictive, as it does not take into account the rapid economic expansion of the region as a whole.

Accordingly, your Committee has amended the title and substance of this resolution by broadening its scope to include all of the emerging nations of Asia. The title of this resolution has been amended to read as follows:

"HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE IMMIGRATION AND NATURALIZATION SERVICE TO REASSESS ITS PROCESSING PRACTICES FOR APPLICATIONS FOR NONIMMIGRANT VISAS FOR VISITORS FROM ASIA"

In addition, technical, nonsubstantive changes have been made for the purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Intergovernmental Relations and International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 75, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Judiciary, in the form attached hereto as H.R. No. 75, H.D. 2.

Signed by all members of the Committee except Representatives Hagino and Shon.

SCRep. 1162-94 Intergovernmental Relations and International Affairs on H.C.R. No. 80

The purpose of this concurrent resolution, as received by your Committee, is to request Hawaii's congressional delegation to urge the United States Immigration and Naturalization Service to reassess its processing practices for applications for nonimmigrant visas for visitors from South Korea and Taiwan.

Testimony in support of this concurrent resolution was received from the Department of Business, Economic Development, and Tourism.

Your Committee finds that there has been a decline in visitor arrivals from the traditional tourist markets of the mainland, Canada, and Europe. Not surprisingly, serious economic consequences have accompanied this decline. To deal with this problem, it is important that Hawaii diversify into tourist markets in other parts of the world.

Potentially, the largest future market for Hawaii's tourist industry lies in South Korea, Taiwan, and the other emerging economies of Asia.

Hawaii is in a prime position to capitalize on this vast tourist market. However, your Committee finds that existing restrictions on nonimmigrant visas for temporary visitors makes it difficult for [5]pective tourists to travel here from Asian countries.

This concurrent resolution, as received by your Committee, applies only to visitors from South Korea and Taiwan. Upon further consideration, your Committee finds that the scope of this measure is too restrictive, as it does not take into account the rapid economic expansion of the region as a whole.

Accordingly, your Committee has amended the title and substance of this concurrent resolution by broadening its scope to include all of the emerging nations of Asia. The title of this concurrent resolution has been amended to read as follows:

"HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE IMMIGRATION AND NATURALIZATION SERVICE TO REASSESS ITS PROCESSING PRACTICES FOR APPLICATIONS FOR NONIMMIGRANT VISAS FOR VISITORS FROM ASIA"

In addition, technical, nonsubstantive changes have been made for the purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Intergovernmental Relations and International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 80, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Judiciary, in the form attached hereto as H.C.R. No. 80, H.D. 2.

Signed by all members of the Committee except Representatives Hagino and Shon.

SCRep. 1163-94 Intergovernmental Relations and International Affairs on H.R. No. 72

The purpose of this resolution is to request the Employees' Retirement System to begin reinvestment in South Africa in accordance with the Code of Conduct for Businesses Operating in South Africa, as adopted by the National Conference of the South African Council of Churches.

Testimony in support of this measure was received from the United States Department of State, the Embassy of South Africa, the Office of International Relations, the Employees' Retirement System, the Hawaii Committee for Africa, and the American Friends Service Committee. Comments were also submitted by the U.S.-South Africa Business Council.

Your Committee recognizes that reinvestment in South Africa is needed to reverse the destructive legacy of apartheid and restore economic justice in that country, and that many states and cities have already responded to African National Congress President Nelson Mandela's call for the lifting of sanctions.

Your Committee also notes that several organizations, such as the African National Congress and the South African Council of Churches, have indicated that reinvestment should be done in a way that is socially responsible, yet not so restrictive as to discourage reinvestment.

Accordingly, your Committee has amended this measure by:

- (1) Deleting references to the Code of Conduct for Businesses Operating in South Africa, and instead requesting the Employees' Retirement System to reinvest in South Africa in accordance with socially responsible guidelines and standards;
- (2) Amending its title to read: "HOUSE RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO REINVEST IN SOUTH AFRICA IN ACCORDANCE WITH SOCIALLY RESPONSIBLE GUIDELINES AND STANDARDS;" and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Intergovernmental Relations and International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 72, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 72, H.D. 1.

Signed by all members of the Committee except Representatives Alcon and Hagino.

SCRep. 1164-94 Intergovernmental Relations and International Affairs on H.C.R. No. 75

The purpose of this concurrent resolution is to request the Employees' Retirement System to begin reinvestment in South Africa in accordance with the Code of Conduct for Businesses Operating in South Africa, as adopted by the National Conference of the South African Council of Churches.

Testimony in support of this measure was received from the United States Department of State, the Embassy of South Africa, the Office of International Relations, the Employees' Retirement System, the Hawaii Committee for Africa, and the American Friends Service Committee. Comments were also submitted by the U.S.-South Africa Business Council.

Your Committee recognizes that reinvestment in South Africa is needed to reverse the destructive legacy of apartheid and restore economic justice in that country, and that many states and cities have already responded to African National Congress President Nelson Mandela's call for the lifting of sanctions.

Your Committee also notes that several organizations, such as the African National Congress and the South African Council of Churches, have indicated that reinvestment should be done in a way that is socially responsible, yet not so restrictive as to discourage reinvestment.

Accordingly, your Committee has amended this measure by:

- (1) Deleting references to the Code of Conduct for Businesses Operating in South Africa, and instead requesting the Employees' Retirement System to reinvest in South Africa in accordance with socially responsible guidelines and standards;
- (2) Amending its title to read: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO REINVEST IN SOUTH AFRICA IN ACCORDANCE WITH SOCIALLY RESPONSIBLE GUIDELINES AND STANDARDS;" and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Intergovernmental Relations and International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 75, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 75, H.D. 1.

Signed by all members of the Committee except Representatives Alcon and Hagino.

SCRep. 1165-94 Agriculture on H.R. No. 265

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to assess the constraints to a more rapid expansion of Hawaii's aquaculture industry and to make recommendations for solutions.

Your Committee recognizes that the aquaculture industry shows immense potential in the diversification of Hawaii's economic base. According to testimony from DLNR, there are now over 100 businesses on all the major islands that generate nearly \$25,000,000 in annual sales of products and services. (Production includes both food and other products, such as specialty chemicals and disease-free stock. Services include projects in basic and applied research, consulting, training, professional conferences, as well as degree education.)

The DLNR, the University of Hawaii, the manager of aquaculture operations for Hanohano Enterprises, and several interested citizens testified in support of this measure.

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

- (1) Stressing the importance of forging private/public partnerships to achieve optimal growth and potential of the aquaculture industry in Hawaii;
- (2) Specifying the cooperation of the University of Hawaii and DLNR in the renovation of the Mariculture Research and Training Center on Oahu to function as an essential site for aquaculture research, training, education, and community;
- (3) Clarifying the purpose of the resolution in the first BE IT RESOLVED clause to conform with its title;
- (4) Specifying instead, that the report by DLNR be submitted to the Legislature no fewer than twenty days before the convening of the Regular Session of 1995; and
- (5) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 265, as amended herein, and recommends that it be referred to the Committee on Ocean Recreation and Marine Resources in the form attached hereto as H.R. No. 265, H.D. 1.

Signed by all members of the Committee except Representatives Ishii-Morikami, Morihara and Marumoto.

SCRep. 1166-94 Agriculture on H.C.R. No. 284

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to assess the constraints to a more rapid expansion of Hawaii's aquaculture industry and to make recommendations for solutions.

Your Committee recognizes that the aquaculture industry shows immense potential in the diversification of Hawaii's economic base. According to testimony from DLNR, there are now over 100 businesses on all the major islands that generate nearly \$25,000,000 in annual sales of products and services. (Production includes both food and other products, such as specialty chemicals and disease-free stock. Services include projects in basic and applied research, consulting, training, professional conferences, as well as degree education.)

The DLNR, the University of Hawaii, the manager of aquaculture operations for Hanohano Enterprises, and several interested citizens testified in support of this measure.

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

- (1) Stressing the importance of forging private/public partnerships to achieve optimal growth and potential of the aquaculture industry in Hawaii;
- (2) Specifying the cooperation of the University of Hawaii and DLNR in the renovation of the Mariculture Research and Training Center on Oahu to function as an essential site for aquaculture research, training, education, and community;
- (3) Clarifying the purpose of the concurrent resolution in the first BE IT RESOLVED clause to conform with its title;
- (4) Specifying instead, that the report by DLNR be submitted to the Legislature no fewer than twenty days before the convening of the Regular Session of 1995; and
- (5) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 284, as amended herein, and recommends that it be referred to the Committee on Ocean Recreation and Marine Resources in the form attached hereto as H.C.R. No. 284, H.D. 1.

Signed by all members of the Committee except Representatives Ishii-Morikami, Morihara and Marumoto.

SCRep. 1167-94 Agriculture on H.R. No. 286

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to study and explore the factors involved in the development of a tropical/ornamental fish aquacultural park.

This resolution also requests the Board of Land and Natural Resources to submit a report of its findings and recommendations to the Legislature no fewer than twenty days before the convening of the 1995 Regular Session.

Your Committee finds that the ornamental aquaculture industry shows great potential and strong economic benefits in the breeding, rearing, and marketing of freshwater and marine tropical fish and plants. In fact, according to testimony from the University of Hawaii, the annual world market for aquarium fish, plants, invertebrates, and supplies has been estimated at over \$4 billion. Key target areas for Hawaii's ornamental aquaculture industry are Hong Kong, Japan, Canada, and Europe.

Your Committee received testimony in support of the measure from DLNR and the University of Hawaii. An interested citizen also submitted comments on the resolution.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 286 and recommends that it be referred to the Committee on Water and Land Use Planning.

Signed by all members of the Committee except Representatives Ishii-Morikami and Morihara.

SCRep. 1168-94 Agriculture on H.C.R. No. 320

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to study and explore the factors involved in the development of a tropical/ornamental fish aquacultural park.

This concurrent resolution also requests the Board of Land and Natural Resources to submit a report of its findings and recommendations to the Legislature no fewer than twenty days before the convening of the 1995 Regular Session.

Your Committee finds that the ornamental aquaculture industry shows great potential and strong economic benefits in the breeding, rearing, and marketing of freshwater and marine tropical fish and plants. In fact, according to testimony from the University of Hawaii, the annual world market for aquarium fish, plants, invertebrates, and supplies has been estimated at over \$4 billion. Key target areas for Hawaii's ornamental aquaculture industry are Hong Kong, Japan, Canada, and Europe.

Your Committee received testimony in support of the measure from DLNR and the University of Hawaii. An interested citizen also submitted comments on the concurrent resolution.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 320 and recommends that it be referred to the Committee on Water and Land Use Planning.

Signed by all members of the Committee except Representatives Ishii-Morikami and Morihara.

SCRep. 1169-94 Agriculture on H.R. No. 327

The purpose of this resolution is to support a long-range development strategy prepared by the Department of Land and Natural Resources (DLNR) to guide further expansion of the aquaculture industry in the State.

This resolution refers to the blue book entitled, Hawaii's Future in Aquaculture, Strategy for the Blue Revolution, which was submitted to the Legislature last year. In formulating the strategy, the DLNR took a global perspective and strategic planning approach to build on previous State aquaculture plans and to develop a long-range vision for the aquaculture industry.

The Aquaculture Development Niche, which was developed "to wholistically identify and focus on areas of development potential" relating to aquaculture comprises a segment of DLNR's aquaculture strategy. Your Committee notes that the Congressional Office of Technology Assessment, which is conducting an 18-month study of U.S. aquaculture development, has called Hawaii's wholistic development niche approach a model for the entire nation.

As a state with a long tradition of aquaculture and with the highest per capita seafood consumption in the U.S., your Committee recognizes the promising potential of strengthening the aquaculture industry in the State.

The DLNR and the Office of Hawaiian Affairs submitted testimony in support of the measure. The University of Hawaii testified in strong support of the intent of the resolution.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 327 and recommends its adoption.

Signed by all members of the Committee except Representatives Ishii-Morikami and Morihara.

SCRep. 1170-94 Agriculture on H.C.R. No. 374

The purpose of this concurrent resolution is to support a long-range development strategy prepared by the Department of Land and Natural Resources (DLNR) to guide further expansion of the aquaculture industry in the State.

This concurrent resolution refers to the blue book entitled, Hawaii's Future in Aquaculture, Strategy for the Blue Revolution, which was submitted to the Legislature last year. In formulating the strategy, the DLNR took a global perspective and strategic planning approach to build on previous State aquaculture plans and to develop a long-range vision for the aquaculture industry.

The Aquaculture Development Niche, which was developed "to wholistically identify and focus on areas of development potential" relating to aquaculture comprises a segment of DLNR's aquaculture strategy. Your Committee notes that the Congressional Office of Technology Assessment, which is conducting an 18-month study of U.S. aquaculture development, has called Hawaii's wholistic development niche approach a model for the entire nation.

As a state with a long tradition of aquaculture and with the highest per capita seafood consumption in the U.S., your Committee recognizes the promising potential of strengthening the aquaculture industry in the State.

The DLNR and the Office of Hawaiian Affairs submitted testimony in support of the measure. The University of Hawaii testified in strong support of the intent of the concurrent resolution.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 374 and recommends its adoption.

Signed by all members of the Committee except Representatives Ishii-Morikami and Morihara.

SCRep. 1171-94 Finance on H.R. No. 26

The purpose of this resolution is to request that the University of Hawaii expand its outreach efforts on the neighbor islands by:

- (1) Actively determining the needs of neighbor island residents;
- (2) Delivering the needed courses, programs, and degrees; and
- (3) Equalizing as far as possible the outreach efforts on each island.

The University of Hawaii submitted comments on this resolution.

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

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 26, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 26, H.D. 2.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1172-94 Finance on H.C.R. No. 25

The purpose of this concurrent resolution is to request that the University of Hawaii expand its outreach efforts on the neighbor islands by:

- (1) Actively determining the needs of neighbor island residents;
- (2) Delivering the needed courses, programs, and degrees; and
- (3) Equalizing as far as possible the outreach efforts on each island.

The University of Hawaii submitted comments on this concurrent resolution.

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

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 25, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 25, H.D. 2.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1173-94 Finance on H.R. No. 86

The purpose of this resolution is to request that the Legislature support the expansion of the Food Safety Consultative and Education Program.

The Department of Health and the Hawaii Food Industry Association submitted testimony in support of the resolution.

Your Committee has amended this resolution by:

- (1) Changing the title to "REQUESTING THE DEPARTMENT OF HEALTH TO SUBMIT A REPORT ON THE EXPANSION NEEDS OF THE FOOD SAFETY CONSULTATIVE AND EDUCATION PROGRAM;" and
- (2) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 86, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 86, H.D. 1.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1174-94 Finance on H.C.R. No. 94

The purpose of this concurrent resolution is to request that the Legislature support the expansion of the Food Safety Consultative and Education Program.

The Department of Health and the Hawaii Food Industry Association submitted testimony in support of the concurrent resolution.

Your Committee has amended this concurrent resolution by:

- (1) Changing the title to "REQUESTING THE DEPARTMENT OF HEALTH TO SUBMIT A REPORT ON THE EXPANSION NEEDS OF THE FOOD SAFETY CONSULTATIVE AND EDUCATION PROGRAM;" and
- (2) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 94, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 94, H.D. 1.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1175-94 Finance on H.R. No. 87

The purpose of this resolution is to request that the Director of Transportation to implement a statewide education program concerning the benefits of child safety seats for very young children.

The American Academy of Pediatrics, the Healthy Mothers, Healthy Babies Coalition of Hawai'i, and the Honolulu Police Department submitted testimony in support of the resolution. The Department of Transportation submitted comments on the resolution.

Your Committee has amended the resolution by making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 87, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 87, H.D. 1.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1176-94 Finance on H.C.R. No. 95

The purpose of this concurrent resolution is to request the Director of Transportation to implement a statewide education program concerning the benefits of child safety seats for very young children.

The American Academy of Pediatrics, the Healthy Mothers, Healthy Babies Coalition of Hawai'i, and the Honolulu Police Department submitted testimony in support of the concurrent resolution. The Department of Transportation submitted comments on the concurrent resolution.

Your Committee has amended the concurrent resolution by making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 95, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 95, H.D. 1.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1177-94 Finance on H.R. No. 92

The purpose of this resolution is to request the Director of Transportation to implement a statewide program to educate the public concerning the dangers to persons who ride in the open and enclosed cargo areas of pickup trucks.

In addition, the resolution requests the Department of Transportation (DOT) to establish a tracking system to account for the number of deaths and injuries associated with passengers riding in the open and enclosed cargo areas of pickup trucks and to include these statistics in the DOT's report to the Legislature.

Your Committee received testimony in support of the resolution from the Honolulu Police Department; the Healthy Mothers, Healthy Babies Coalition of Hawai'i; the American Academy of Pediatrics; and several concerned citizens. Testimony was also submitted by the DOT and other individuals.

Your Committee amended this resolution by making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 92, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 92, H.D. 2.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1178-94 Finance on H.C.R. No. 102

The purpose of this concurrent resolution is to request the Director of Transportation to implement a statewide program to educate the public concerning the dangers to persons who ride in the open and enclosed cargo areas of pickup trucks.

In addition, the concurrent resolution also requests the Department of Transportation (DOT) to establish a tracking system to account for the number of deaths and injuries associated with passengers riding in the open and enclosed cargo areas of pickup trucks and to include these statistics in the DOT's report to the Legislature.

Your Committee received testimony in support of the concurrent resolution from the Honolulu Police Department; the Healthy Mothers, Healthy Babies Coalition of Hawai'i; the American Academy of Pediatrics; and several concerned citizens. Testimony was also submitted by the DOT and other individuals.

Your Committee amended this concurrent resolution by making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 102, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 102, H.D. 2.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1179-94 Finance on H.R. No. 221

The purpose of this resolution is to request the Department of Agriculture (DOA) to submit recommendations for research on methods to eliminate the ivy gourd in Hawaii.

The Chairperson of the Board of Agriculture and the Outdoor Circle submitted comments on this resolution.

Technical, nonsubstantive amendments were made to this resolution for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 221, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 221, H.D. 2.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1180-94 Finance on H.C.R. No. 17

The purpose of this concurrent resolution is to urge Hawaii's congressional delegation to support the enactment of federal legislation to require military installations in Hawaii to purchase cigarettes in a manner similar to that required for alcohol under 10 United States Code, Section 2488.

Supportive testimony was submitted by the Departments of Taxation and Health.

The Director of Taxation testified that the enactment of federal legislation requiring the purchase of cigarettes in Hawaii in a manner similar to alcoholic beverages will enable the State to tax cigarettes sold to military exchanges. Because military exchanges sell approximately 20,000,000 packs of cigarettes annually, the enactment of the above-mentioned federal legislation would result in the realization of \$10,000,000 in State cigarette tax revenue each year.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 17 and recommends its adoption.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1181-94 Finance on H.C.R. No. 89

The purpose of this concurrent resolution is to request that the Department of Health establish a written policy for the coordination of transition of services for young adults from the Child and Adolescent Mental Health Division to the Adult Mental Health Division.

The Department of Health and the Mental Health Association in Hawai'i submitted testimony in support of the concurrent resolution.

Your Committee has amended the concurrent resolution by making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 89, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 89, H.D. 2.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1182-94 Higher Education and the Arts on H.R. No. 351

The purpose of this resolution is to request that the University of Hawaii in conjunction with the Departments of Health, Human Services, and Personnel Services conduct a study in consultation with the InterAgency Council, the Immigrant Center, and the Catholic Immigrant Center regarding the feasibility of developing and implementing an immigrant/refugee program.

The Office of Community Services of the Department of Labor and Industrial Relations submitted supporting testimony. The Department of Personnel Services submitted testimony in support of the intent of this resolution. The University of Hawaii submitted comments on this resolution.

After free and open discussion, your Committee has amended this resolution by:

- (1) Changing the title of the resolution to request the Office of Community Services of the Department of Labor and Industrial Relations to study the feasibility of developing a program that will provide tuition waivers, summer work, and stipends to underrepresented immigrant and refugee groups; and
- (2) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 351, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 351, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1183-94 Higher Education and the Arts on H.C.R. No. 408

The purpose of this concurrent resolution is to request that the University of Hawaii in conjunction with the Departments of Health, Human Services, and Personnel Services conduct a study in consultation with the InterAgency Council, the Immigrant Center, and the Catholic Immigrant Center regarding the feasibility of developing and implementing an immigrant/refugee program.

The Office of Community Services of the Department of Labor and Industrial Relations submitted supporting testimony. The Department of Personnel Services submitted testimony in support of the intent of this concurrent resolution. The University of Hawaii submitted comments on this concurrent resolution.

After free and open discussion, your Committee has amended this concurrent resolution by:

- (1) Changing the title of the concurrent resolution to request the Office of Community Services of the Department of Labor and Industrial Relations to study the feasibility of developing a program that will provide tuition waivers, summer work, and stipends to underrepresented immigrant and refugee groups; and
- (2) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 408, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 408, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1184-94 Higher Education and the Arts on H.R. No. 208

The purpose of this resolution is to request that the University of Hawaii develop a comprehensive plan to establish Hawaii as a Pacific Center-of-Excellence in environmental science, management, and policy.

A concerned citizen submitted testimony in support of this resolution. The University of Hawaii submitted comments on this resolution.

Your Committee recognizes the hard work and diligence of Mr. John T. Harrison of the Environmental Center at the University of Hawaii at Manoa and expresses its gratitude for his valuable contributions to environmental education.

After free and open discussion, your Committee has amended this resolution by:

- (1) Changing the title of the resolution to request the development of a project proposal to establish Hawaii as a Pacific Center-of-Excellence in environmental science, management, and policy;
- (2) Clarifying that adequate training to qualify for environmentally-related jobs is lacking in the State;
- (3) Adding the concept that participation by all higher education institutions is beneficial to the future of the State; and
- (4) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 208, as amended herein, and recommends that it be referred to the Committee on Energy and Environmental Protection in the form attached hereto as H.R. No. 208, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1185-94 Higher Education and the Arts on H.C.R. No. 216

The purpose of this concurrent resolution is to request that the University of Hawaii develop a comprehensive plan to establish Hawaii as a Pacific Center-of-Excellence in environmental science, management, and policy.

A concerned citizen submitted testimony in support of this concurrent resolution. The University of Hawaii submitted comments on this concurrent resolution.

Your Committee recognizes the hard work and diligence of Mr. John T. Harrison of the Environmental Center at the University of Hawaii at Manoa and expresses its gratitude for his valuable contributions to environmental education.

After free and open discussion, your Committee has amended this concurrent resolution by:

- (1) Changing the title of the concurrent resolution to request the development of a project proposal to establish Hawaii as a Pacific Center-of-Excellence in environmental science, management, and policy;
- (2) Clarifying that adequate training to qualify for environmentally-related jobs is lacking in the State;
- (3) Adding the concept that participation by all higher education institutions is beneficial to the future of the State; and
- (4) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 216, as amended herein, and recommends that it be referred to the Committee on Energy and Environmental Protection in the form attached hereto as H.C.R. No. 216, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1186-94 Higher Education and the Arts on H.R. No. 357

The purpose of this resolution, as received by your Committee, is to request the University of Hawaii to grant tuition waivers to students, faculty, and staff from sister-state institutions.

Testimony in support of this measure was submitted by the University of Hawaii and the Governor's Office of International Relations.

Your Committee considered a proposed amendment to this resolution which requests that the University of Hawaii enhance cooperative and reciprocal arrangements with students, faculty, and staff from the various sister-state institutions rather than grant tuition waivers.

Your Committee suggests that the University of Hawaii formulate language consistent with the objectives of this resolution for purposes of considering applicants pre-qualified for U.S. visas to participate in reciprocal arrangements between sister-state institutions and also for gaining more information on programs available between sister-state institutions.

Your Committee has made substantial amendments to this resolution by:

- (1) Removing all references to tuition waivers for faculty, staff, and students from universities located in sister-states;
- (2) Amending the title of this resolution as well as corresponding provisions to request that the University of Hawaii enhance cooperative and reciprocal arrangements with students, faculty, and staff of sister-state institutions; and
- (3) Making technical and nonsubstantive amendments for purposes of style, consistency, and clarity.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 357, as amended herein, and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs in the form attached hereto as H.R. No. 357, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1187-94 Higher Education and the Arts on H.C.R. No. 417

The purpose of this concurrent resolution, as received by your Committee, is to request the University of Hawaii to grant tuition waivers to students, faculty, and staff from sister-state institutions.

Testimony in support of this measure was submitted by the University of Hawaii and the Governor's Office of International Relations.

Your Committee considered a proposed amendment to this concurrent resolution which requests that the University of Hawaii enhance cooperative and reciprocal arrangements with students, faculty, and staff from the various sister-state institutions rather than grant tuition waivers.

Your Committee suggests that the University of Hawaii formulate language consistent with the objectives of this concurrent resolution for purposes of considering applicants pre-qualified for U.S. visas to participate in reciprocal

arrangements between sister-state institutions and also for gaining more information on programs available between sister-state institutions.

Your Committee has made substantial amendments to this concurrent resolution by:

- (1) Removing all references to tuition waivers for faculty, staff, and students from universities located in sister-states;
- (2) Amending the title of this concurrent resolution as well as the corresponding provisions to request that the University of Hawaii enhance cooperative and reciprocal arrangements with students, faculty, and staff of sister-state institutions; and
- (3) Making technical and nonsubstantive amendments for purposes of style, consistency, and clarity.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 417, as amended herein, and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs in the form attached hereto as H.C.R. No. 417, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1188-94 Legislative Management on H.R. No. 370

The purpose of this resolution is to provide the State with information so that it may better understand the magnitude of programs mandated by the federal government but funded in whole or in part by the State.

This measure proposes to accomplish this by requesting the Legislative Reference Bureau to undertake a survey of government programs in the State that are:

- (1) Mandated by the federal government but funded by the State;
- (2) Mandated by the federal government but require State matching funds; or
- (3) Funded in whole or in part by federal funds but are scheduled to have these funds reduced or discontinued.

The burden of unfunded federal mandates has clearly been recognized by state and local governments across the nation. The National Governors' Association has been active in bringing this issue before Congress and highlighting the fiscal pressure placed upon the states and counties by these mandates.

The information provided by the study proposed in this measure would assist the Legislature in assessing the impact that these programs have on the State's resources.

The Department of Budget and Finance submitted testimony supporting the intent of this measure.

After free and open discussion, your Committee has amended this measure by:

- (1) Expanding the scope of the study to include an examination of programs that are no longer mandated by the federal government, but continues to be supported by state funds; and
- (2) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Legislative Management that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 370, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 370, H.D. 1.

Signed by all members of the Committee except Representatives Say, Thielen and Ward.

SCRep. 1189-94 Legislative Management on H.C.R. No. 436

The purpose of this concurrent resolution is to provide the State with information so that it may better understand the magnitude of programs mandated by the federal government but funded in whole or in part by the State.

This measure proposes to accomplish this by requesting the Legislative Reference Bureau to undertake a survey of government programs in the State that are:

- (1) Mandated by the federal government but funded by the State;
- (2) Mandated by the federal government but require State matching funds; or
- (3) Funded in whole or in part by federal funds but are scheduled to have these funds reduced or discontinued.

The burden of unfunded federal mandates has clearly been recognized by state and local governments across the nation. The National Governors' Association has been active in bringing this issue before Congress and highlighting the fiscal pressure placed upon the states and counties by these mandates.

The information provided by the study proposed in this measure would assist the Legislature in assessing the impact that these programs have on the State's resources.

The Department of Budget and Finance submitted testimony supporting the intent of this measure.

After free and open discussion, your Committee has amended this measure by:

- (1) Expanding the scope of the study to include an examination of programs that are no longer mandated by the federal government, but continues to be supported by state funds; and
- (2) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Legislative Management that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 436, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 436, H.D. 1.

Signed by all members of the Committee except Representatives Say, Thielen and Ward.

SCRep. 1190-94 Legislative Management on H.R. No. 264

The purpose of this resolution is to request the State Auditor to continue its efforts to establish a program that will monitor state agencies' status of complying with significant recommendations resulting from performance audits.

The types of information that could be provided by this type of program would assist policy-makers in focusing their energies and efforts to address and correct problem areas. This could also work to improve the public's perception of government.

The State Auditor submitted testimony in support of this measure.

After free and open discussion, your Committee has amended this measure by:

- (1) Changing the deadline in which the Auditor is to submit its follow-up report from not later than twenty days prior to the convening of each regular session, to not later than twenty days **after** the convening of each regular session, to afford the Auditor more time to prepare detailed and accurate follow-up reports; and
- (2) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Legislative Management that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 264, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 264, H.D. 1.

Signed by all members of the Committee except Representatives Say, Young, Thielen and Ward.

SCRep. 1191-94 Legislative Management on H.C.R. No. 283

The purpose of this concurrent resolution is to request the State Auditor to continue its efforts to establish a program that will monitor state agencies' status of complying with significant recommendations resulting from performance audits.

The types of information that could be provided by this type of program would assist policy-makers in focusing their energies and efforts to address and correct problem areas. This could also work to improve the public's perception of government.

The State Auditor submitted testimony in support of this measure.

After free and open discussion, your Committee has amended this measure by:

- (1) Changing the deadline in which the Auditor is to submit its follow-up report from not later than twenty days prior to the convening of each regular session, to not later than twenty days **after** the convening of each regular session, to afford the Auditor more time to prepare detailed and accurate follow-up reports; and
- (2) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Legislative Management that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 283, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 283, H.D. 1.

Signed by all members of the Committee except Representatives Say, Young, Thielen and Ward.

SCRep. 1192-94 Legislative Management on H.C.R. No. 287

The purposes of this concurrent resolution are to:

- (1) Encourage economic development opportunities and new employment opportunities; and
- (2) Increase the State's tax revenues.

This measure proposes to accomplish this by requesting the Legislative Reference Bureau to study the feasibility of developing and promoting a pari-mutuel horse racing industry and off-track wagering in Hawaii.

By way of a brief background, pari-mutuel horse racing wagering is a system in which those who wager on the first, second, and third place winners of each race share the total stakes, less a percentage for the pari-mutuel facility and less a percentage which goes to the state for maintenance of the horse racing facility, purses for the winning owners, profit for the horse racing facility owner, federal and state income taxes, and a state pari-mutuel tax.

In these austere economic times, Hawaii must consider competition from other vacation destinations. When Cuba and Belize open their doors to the tourist industry, the State will need to expend a greater amount of its resources to maintain its share of the revenues generated by the tourist industry. As the sugar and pineapple industries decline, the State will have an excellent opportunity to utilize the lands presently used by these industries for pari-mutuel horse racing.

Winners Circle Hawaii submitted testimony in support of this measure.

After free and open discussion, your Committee has amended this measure by clarifying that the study include:

- (1) A determination of the social impacts, particularly on the economically disadvantaged who may disproportionately participate in wagering;
- (2) An examination of the effects on Hawaii's economy and visitor industry in the generation of tax revenues and as an added attraction or detraction from the natural beauty for which Hawaii is known and promoted; and
- (3) An examination of the likelihood of an increase in criminal or other unwanted activity directly or indirectly related to pari-mutuel horse racing.

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

As affirmed by the record of votes of the members of your Committee on Legislative Management that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 287, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 287, H.D. 1.

Signed by all members of the Committee except Representatives Say, Thielen and Ward.

SCRep. 1193-94 Legislative Management on H.C.R. No. 107

The purpose of this concurrent resolution is to request that the Auditor conduct a study of the potential advantages and disadvantages of establishing a Department of Housing that incorporates the various state housing functions in a single agency having cabinet status.

More specifically, the study is to include:

- (1) A description of the housing functions, powers, and duties performed by the Hawaii Housing Authority, the Housing Finance and Development Corporation, and the Hawaii Community Development Authority, and the impact of combining these three agencies into a single department;
- (2) An examination of any benefits of efficiency or effectiveness of making a single agency responsible for the State's housing functions, including a consideration of whether a single agency would be better able to formulate and implement state policies and objectives for housing management and community development, develop and implement strategies for expanding housing opportunities, conduct research, and maximize the use of fiscal resources;
- (3) A determination of whether any duplication of functions, powers, or duties exists among these agencies;
- (4) An examination of how cabinet status would affect housing functions; and
- (5) An examination of how other states are organized to perform their housing functions.

The Hawaii Developers' Council and the Hawaii Association of Realtors submitted testimony in support of this concurrent resolution. The Administrative Director of the Office of the Governor submitted comments on this concurrent resolution.

As affirmed by the record of votes of the members of your Committee on Legislative Management that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 107 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Say, Young, Thielen and Ward.

SCRep. 1194-94 Housing on H.C.R. No. 409

The purpose of this resolution is to request that the Department of Budget and Finance and the Legislative Auditor report to the Legislature on the similarities and differences on how the Dwelling Unit Revolving Fund (DURF) and Homes Revolving Fund (HRF) have been used for affordable housing, the bond balance of each fund, the impact of each revolving fund on the General Fund, and whether the Pawaa investment is an appropriate use of revolving fund monies.

Many issues were raised during the discussion of this concurrent resolution, such as how much revolving funds monies are held in equity and how long will they remain unavailable; what is being done with proceeds from homes revolving fund monies; and how the two funds keep their individual integrity.

Your Committee also requested that the Housing Finance and Development Corporation (HFDC) account for interest earned on \$2,890,000, which was to be used to design and construct a sports complex east of the villages of Kapolei. HFDC used DURF funds for this "set-aside" and has indicated that because it is no longer responsible for the project, it has asked the Department of Accounting and General Services (DAGS) to dispose of the \$2,890,000. Questions were asked about the authorization and the appropriateness of using DURF funds for a sports complex.

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

- 1) Stating that both HRF and DURF are funded by general obligation bonds yet proceeds from DURF funds are returned to the general fund, but proceeds from HRF are not;
- 2) Stating that the original intent of HRF was for the purpose of developing and implementing affordable housing development programs and large master planned communities, however, \$38,000,000 has been used for a golf course which has not sold and therefore monies are not revolving;
- 3) Stating that questions have been left unanswered by previous reports on these subjects and a need exists for more in-depth information to be provided to the Legislature in a more useful format;
- 4) Requesting the Legislative Auditor to determine whether the Pawaa investment is an appropriate use of the homes revolving fund in light of the fact that funds will be unavailable for 30 years and therefore cannot revolve during this period;
- 5) Requesting the Legislative Auditor to report to the Legislature; and
- 6) Making other non-substantive amendments for the sake of clarity.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 409, 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. 409, H.D. 1.

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

SCRep. 1195-94 Energy and Environmental Protection on H.C.R. No. 368

The purpose of this concurrent resolution is to request that the Department of Health to conduct wastewater treatment education workshops with community organizations between Kahaluu and Mokuleia to discuss the:

- (1) Health problems associated with cesspools and sewage overflows;
- (2) Costs and benefits of septic tank systems;
- (3) Costs and benefits of establishing a regional wastewater treatment system; and
- (4) Results of the financial and management audit of the Wastewater Branch of the Department of Health, when made available by the State Auditor in accordance with a separate request concurrently being considered for adoption by the Legislature.

Representative D. Ululani Beirne's office submitted testimony in support of this concurrent resolution. The Department of Health submitted testimony in support of the intent of this concurrent resolution.

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

- (1) Changing the title of the concurrent resolution to request the State Department of Health to conduct wastewater treatment education workshops with community organizations in Windward Oahu communities;
- (2) Clarifying that the Department of Health is requested to conduct community workshops with community organizations between Kahaluu and Mokuleia; and
- (3) Making technical, nonsubstantive revisions for purposes of clarity, style, and consistency.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 368, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 368, H.D. 1.

Signed by all members of the Committee except Representatives Hiraki, Hirono and Takamine.

SCRep. 1196-94 Finance on S.B. No. 2891

The purpose of this bill is to clarify a number of provisions in the state procurement statutes. Specifically, the bill:

- (1) Specifies that a surety bond may be executed by any bonding company listed in the United States Treasury List;
- (2) Expands the definition of "professional services" to include any professional and scientific occupation series contained in the United States Office of Personnel Management's Qualifications Standards Handbook;
- (3) Specifies that the executive and legislative branches of county government shall each have their own chief procurement officer;
- (4) Permits the chief procurement officer to accept bids that do not have the name of each person or firm to be engaged by the bidder as a joint contractor or subcontractor only if the total value of the work to be performed by the joint contractor or subcontractor is less than or equal to one percent of the total bid amount;
- (5) Requires security for contracts that exceed \$25,000;
- (6) Standardizes the amount of the security required at five percent;
- (7) Changes the time period by which a contractor or subcontractor must initiate payment for completed labor from two months to ninety days, and gives laborers who have not received payment within that time the right to sue on the payment bond; and
- (8) Clarifies that any suit brought on the payment bond must be initiated in circuit court within one year after the day on which the last labor was performed.

The Department of Accounting and General Services, the Chair of the Maui County Council, the Hawaii Chapter of the American Planning Association, and a private citizen testified in support of the intent of this bill. The Hawaii State Association of Counties submitted comments on the bill.

Your Committee has amended the bill by:

- (1) Deleting the provision that replaces the current description of qualified sureties;
- (2) Reinstating the Department of Accounting and General Services' flexibility to accept bonds greater than five percent of the amount of the bid;
- (3) Reinstating the original period in which actions against the contractor and its sureties may be initiated and the right of the State to prevail in priority on performance bonds; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and conformance to legislative drafting standards.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2891, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2891, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Tajiri and Marumoto.

SCRep. 1197-94 Finance on S.B. No. 3044

The purpose of this bill is to reduce the cost of the Board of Agriculture's required monthly audit of milk processing plants by:

- (1) Eliminating the independent nature of the audit and eliminating the requirement for the immediate release of the audit upon completion;
- (2) Authorizing the Board of Agriculture to contract for an independent audit when certain conditions exist; and
- (3) Adding the definitions of various terms related to milk.

The Department of Agriculture testified in strong support of the bill.

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

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3044, S.D. 1, as amended herein, and recommends that

it pass Second Reading in the form attached hereto as S.B. No. 3044, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1198-94 Finance on S.B. No. 2434

The purpose of this bill is to authorize an emergency appropriation of \$2,076,273 for fiscal year 1993-1994, to ensure the continued provision of services by the Department of Public Safety (Department).

Your Committee has received a message from the Governor, dated February 15, 1994:

- (1) Stating that the various programs will expend all appropriated funds before the end of the current fiscal year; and
- (2) Requesting the Legislature for immediate passage of this bill to ensure the health and safety of the public, staff, and clients.

The Department submitted comments on this measure.

Your Committee notes that in recent years, the Department has requested emergency appropriations due to abuses of overtime and sick leave. Emergency appropriations of this nature shifts limited resources from other equally important governmental programs. Therefore, your Committee believes that diligent and concerted efforts must be made within the Department to mitigate these abuses, enhance the administrative efficiency within the Department, and eliminate the necessity for emergency appropriations in the future.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2434, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1199-94 Finance on S.B. No. 2724

The purpose of this bill is to appropriate funds to be expended by the Office of Youth Services, to:

- (1) Continue gang and delinquency prevention programs in communities and neighborhoods found to be at-risk for gangs and troubled youths; and
- (2) Fund ten outreach worker positions within the Youth Gang Response System.

Supportive testimony was submitted by the Honolulu Police Department, the Hawaii County Police Department, the Kauai Police Department, Parents and Children Together, the Salvation Army, and concerned citizens.

The Office of Youth Services, the Youth Gang Project of the University of Hawaii, and the Department of Education submitted comments on the bill.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2724, S.D. 1, H.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1200-94 Finance on S.B. No. 2925

The purpose of this bill is to repeal the County Special Fund for certification and payment of county contributions to the Employees' Retirement System.

Your Committee notes that the State Auditor has recommended that this Fund be repealed as it has been inactive for many years.

The Administrator of the Employees' Retirement System submitted comments on this measure and also concurred with the State Auditor's recommendation.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2925, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1201-94 Finance on S.B. No. 3015

The purpose of this bill is to clarify guidelines on the transfer of felons to any out-of-state correctional institution.

The Department of Public Safety submitted testimony in support of this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3015, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1202-94 Finance on S.B. No. 1555

The purpose of this bill, as received, is to facilitate entrepreneurship in state government and improve government efficiency. Among other things, this bill authorizes state agencies to establish committees and operating unit subcommittees composed equally of management and employee personnel to develop individual employee performance standards and measurement policies.

For purposes of the public hearing, your Committee circulated a proposed H.D. 2 version that deletes the provisions of the bill and inserts new language repealing the Hawaii Capital Loan Revolving Fund within the Department of Business, Economic Development, and Tourism (DBEDT).

The DBEDT submitted testimony on the proposed H.D. 2 version of the bill.

Upon further consideration, your Committee has amended this bill by deleting its substance and inserting language that:

- (1) Provides a purpose section that describes the appropriateness of relying on revenues available in certain existing funds in order to fund vital programs;
- (2) Transfers \$4,000,000 from the Works of Art Special Fund to the General Fund. This language was taken from H.B. No. 2002, H.D. 1, which passed out of the House of Representatives earlier this session;
- (3) Transfers \$1,200,000 from the Hawaii Capital Loan Revolving Fund to the General Fund; and
- (4) Appropriates a total of \$4,000,000 for the DBEDT to provide economic recovery support to the following four rural communities suffering from the phase-out of the sugar industry: Hamakua and Ka'u on the Big Island; Waialua on Oahu; and Kekaha on Kauai. Each community would receive \$1,000,000 in support.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1555, 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. 1555, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1203-94 Finance on S.B. No. 1777

The purpose of this bill is to appropriate funds for phase III of the telecommunications system upgrade project of the Honolulu Police Department.

The Honolulu Police Department and the State of Hawaii Organization of Police Officers testified in support of this measure.

Your Committee amended the bill by:

- (1) Inserting the amount of \$1 for purposes of continued discussion;
- (2) Requiring the City and County of Honolulu to provide matching funds; and
- (3) Making technical, nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1777, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1777, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1204-94 Finance on S.B. No. 2098

The purpose of this bill is to restore to educational officers the right of due process in appealing the Department of Education's actions on classification and repricing matters.

The Hawaii Government Employees Association and the Department of Education submitted testimony in support of this measure.

Your Committee has made a technical, nonsubstantive amendment to correct a drafting error.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2098, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2098, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1205-94 Finance on S.B. No. 2083

The purpose of this bill is to improve the delivery of comprehensive health services to Honolulu residents by ensuring the optimal utilization of public lands situated in highly accessible, centrally located sites. This bill:

- (1) Requires the Department of Health to:
 - (a) Develop a strategy for maximizing the use of a parcel situated at 548 Kapahulu Avenue for health-related purposes;
 - (b) Secure the use of part of the Ala Wai Golf Course property for parking space; and
 - (c) Report its findings and recommendations to the 1995 Legislature;and
- (2) Appropriates an unspecified sum to broaden the scope of the existing project development work.

The Department of Health submitted testimony on this measure.

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

- (1) Replacing its content with language that requires the Governor to transfer the property to the Hawaii Housing Authority for the purposes of developing elderly housing at that site;
- (2) Providing an appropriation of \$1; and
- (3) Changing the description of the property from its address to its tax map key number.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2083, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2083, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1206-94 Finance on S.B. No. 2261

The purpose of this bill is to authorize the Office of Hawaiian Affairs (OHA) to issue revenue bonds secured by the moneys received by OHA from the twenty percent share of revenue from the public land trust.

Testimony in support of the bill was submitted by OHA.

Your Committee has amended this bill by:

- (1) Incorporating the provisions of H.B. No. 2674, H.D. 1, which specify that OHA and the State of Hawaii shall share equally the costs of wages and fringe benefits for the OHA Board of Trustees;
- (2) Providing that the effective date of the wage and benefit share provision shall be July 1, 1995; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2261, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2261, S.D. 2, H.D. 3.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1207-94 Finance on S.B. No. 2615

The purposes of this bill are to:

- (1) Establish the emergency medical services system for children within the Department of Health; and

- (2) Add a practicing pediatrician to the State Emergency Medical Services Advisory Committee (Advisory Committee).

The Department of Health, the Kapiolani Medical Center for Women and Children, the Hawaii Medical Association, and the American Academy of Pediatrics submitted testimony in support of this measure.

Your Committee has amended this bill by:

- (1) Deleting the proposal for an additional member for the Advisory Committee, but specifying that at least one of the current members shall be a practicing pediatrician certified by the American Board of Pediatrics; and
- (2) Making technical, nonsubstantive amendments for purposes of style and clarity.

For the most effective representation of children's interests, your Committee recommends that the pediatrician on the Advisory Committee be trained in emergency pediatrics.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2615, 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. 2615, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1208-94 Finance on S.B. No. 2623

The purpose of this bill is to establish a Community College Conference Center Revolving Fund (Fund) for conference center programs conducted by the various community colleges. More specifically, this bill provides that:

- (1) All fees, charges, and other moneys collected in conjunction with the conference center programs of each community college shall be deposited into the Fund; and
- (2) Moneys shall be expended, without regard to state purchasing restrictions and competitive bidding requirements, for costs associated with conducting conferences, seminars, and courses offered by the programs.

The University of Hawaii submitted comments on this measure.

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

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2623, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2623, S.D. 2, H.D. 1.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1209-94 Finance on S.B. No. 2596

The purpose of this bill is to direct the Department of Business, Economic Development, and Tourism (DBEDT) to develop a plan to promote ecotourism development in Hawaii.

The Kamehameha Schools/Bernice Pauahi Bishop Estate submitted testimony in support of this measure and the Hawaii Visitors Bureau submitted testimony in support of the intent of this measure. The DBEDT and the Tourism Training Council of the Department of Labor and Industrial Relations submitted comments on this measure.

Upon careful consideration, your Committee amended this bill by:

- (1) Deleting the appropriation and expenditure sections; and
- (2) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2596, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2596, H.D. 2.

Signed by all members of the Committee except Representatives Chang and Suzuki.

SCRep. 1210-94 Finance on S.B. No. 2695

The purpose of this bill is to provide a regulatory framework by which the Department of Land and Natural Resources (Department) may extend the leases of public land leaseholds having less than sixty-five years remaining on the original terms, including any extensions, to qualify the leaseholds for domestic mortgage lending or guaranty purposes.

Supportive testimony was submitted by the Department.

After careful consideration, your Committee has amended this bill by making technical, nonsubstantive revisions for purposes of clarity, style, and conformity.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2695, 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. 2695, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1211-94 Finance on S.B. No. 2715

The purposes of this bill are to:

- (1) Appropriate funds for ten additional, permanent, full-time athletic trainer positions in the public schools; and
- (2) Authorize the Department of Education to convert to permanent status the ten full-time equivalent athletic trainer positions established pursuant to Act 355, Session Laws of Hawaii 1993.

The Department of Education; the Hawaii Government Employees Association; the Athletic Director of McKinley High School; the head varsity football and track coach of Farrington High School; the Principal of Roosevelt High School; the Chairman of the Health, Physical Education, and Recreation Department of the University of Hawaii at Manoa (UH); the Men's Head Athletic Trainer of the UH; and the Athletic Training Curriculum Director of the UH testified in support of this measure.

Your Committee has amended this bill by:

- (1) Inserting the appropriation amount of \$1 for the purpose of continued discussion; and
- (2) Making technical, nonsubstantive revisions for purposes of style, clarity, and conformity.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2715, 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. 2715, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1212-94 Finance on S.B. No. 3254

The purpose of this bill is to appropriate funds to the State Foundation on Culture and the Arts (SFCA) for the celebration of the 1994 Samoan Flag Day.

The State Foundation on Culture and the Arts submitted testimony on this measure.

Your Committee has amended this measure by:

- (1) Inserting a purpose section to clarify that funds for the celebration of the 1994 Samoan Flag Day are from the SFCA base budget;
- (2) Deleting the appropriation for the 1994 Samoan Flag Day and inserting a proviso into Act 289, Session Laws of Hawaii 1993, stating that the appropriation for the SFCA shall be used to fund this celebration; and
- (3) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3254, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3254, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Chang and Suzuki.

SCRep. 1213-94 Finance on S.B. No. 2734

The purpose of this bill is to enable the Department of Human Services (DHS) to recover the assets of Medicaid recipients under certain circumstances, in accordance with the federal Omnibus Budget Reconciliation Act of 1993. Specifically, the bill:

- (1) Allows DHS to consider assets that were transferred from an applicant for public assistance to another person within the federal "lookback" period when determining need;
- (2) Allows DHS to file a lien against the real property of a person receiving institutional care with medical assistance from the State, and who the State has determined cannot reasonably be expected to be discharged from the medical institution, provided that:

- (a) The person's spouse, dependent child, or sibling with an equity interest in the home is not residing in the home; or
- (b) The person's sibling or adult child who has provided care to the person prior to their being admitted to the medical institution is not residing in the home;
- (3) Requires DHS to update the actual amount of the lien annually;
- (4) Permits DHS to consider issuing conditional certificates of release from the lien in cases of extreme hardship;
- (5) Provides that transfer of assets for less than fair market value within the federal "lookback" period shall be prima facie evidence that assets were knowingly transferred for the purpose of qualifying for public assistance;
- (6) Requires DHS to file a claim against the estate of a deceased recipient of medical assistance if the person was age fifty-five or over when the assistance was received, and if the person has no surviving spouse or dependent child;
- (7) Requires DHS to file a claim against the estate of a person receiving medical assistance who is institutionalized, and who the State has determined cannot reasonably be expected to return home, provided that the person has no surviving spouse or dependent child; and
- (8) Ensures that any lien placed upon the real property of a person receiving medical assistance and residing in a medical institution shall be dissolved upon that person's discharge from the institution and return home.

Supportive testimony was submitted by The Chamber of Commerce of Hawaii. DHS submitted testimony in support of the intent of this measure.

Upon consideration of the testimony, your Committee has amended the bill as follows:

- (1) Prohibited the consideration as income or resources any payment for services to, or any benefit received by, a participant of the JOBS program rather than the workfare program, which has been repealed;
- (2) Authorized DHS to place a lien, rather than requiring it to file a lien, against the real property of any institutionalized recipient after a determination that the recipient cannot reasonably be expected to be discharged;
- (3) Prohibited DHS from recovering funds from, rather than prohibiting DHS from executing a lien on, a recipient's home under certain conditions when a sibling or child of the recipient was residing in the recipient's home;
- (4) Added that DHS is prohibited from recovering funds from a lien on the recipient's home if there is a surviving spouse, surviving minor, or blind or disabled child;
- (5) Clarified that DHS may file a claim against the estate of a recipient for social services "overpayments" rather than "payments"; also for "financial assistance overpayments" rather than "financial assistance";
- (6) Clarified that DHS is mandated to file a claim against the estate of a deceased recipient in certain cases when there is no "surviving spouse" rather than "dependent surviving spouse" or when there is no "surviving child" rather than "dependent child" under twenty-one years of age; and
- (7) Made technical, nonsubstantive revisions for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2734, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2734, S.D. 2, H.D. 3.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1214-94 Finance on S.B. No. 2755

The purposes of this bill are to:

- (1) Appropriate an unspecified amount, to be expended by the Department of Business, Economic Development, and Tourism (DBEDT), for the establishment of a statewide information clearinghouse and electronic database for arts and cultural events, sports events, ethnic festivals, and other special events that are unique to Hawaii; and
- (2) Require the DBEDT to submit a status report to the 1995 Legislature on the above-mentioned project, that is to include projected costs for maintenance of the electronic database and other ongoing media production and distribution costs.

Supportive testimony was submitted by the Office of Hawaiian Affairs; the Hawaii Information Network Corporation; the Honolulu Commission on Culture and the Arts; 'Olelo: The Corporation for Community Television; the Hawaii State Dance Council; the Hawaii Watercolor Society; and the Artists for a Visual Arts Center.

Comments by the Department of Business, Economic Development, and Tourism; and the State Foundation on Culture and the Arts were also submitted.

After careful consideration, your Committee has amended this bill by:

- (1) Inserting the appropriation amount of \$1 for the purpose of continued discussion; and
- (2) Making technical, nonsubstantive revisions for purposes of clarity, style, and conformity.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2755, 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. 2755, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1215-94 Finance on S.B. No. 2781

The purpose of this bill is to increase the number of law clerk positions that would be exempt from civil service requirements as follows:

- (1) Two law clerks for the Civil Administrative Judge of the First Circuit Court;
- (2) One law clerk for the Criminal Administrative Judge of the First Circuit Court;
- (3) One law clerk for the Senior Judge of the Family Court of the First Circuit; and
- (4) One law clerk for the Civil Motions Judge of the First Circuit Court.

Your Committee received testimony in strong support of this bill from the Judiciary.

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

- (1) Deleting the following proposed law clerk positions:
 - (a) Two law clerks for the Civil Administrative Judge of the First Circuit Court;
 - (b) One law clerk for the Senior Judge of the Family Court of the First Circuit; and
 - (c) One law clerk for the Civil Motions Judge of the First Circuit Court;
- (2) Adding one law clerk for the Family Court Administrative Judge of the Family Court of the Fifth Circuit; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2781, 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. 2781, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1216-94 Finance on S.B. No. 2889

The purpose of this bill is to provide temporary relief from civil obligations to members of the Hawaii National Guard and those members of the State military forces when placed on state active duty.

This bill is the State counterpart to the federal Soldiers' and Sailors' Relief Act.

Your Committee received testimony in support of the bill from the State Adjutant General, the Hawaii National Guard Association, the Hawaii Air National Guard Chief and Senior Enlisted Council, the Hawaii National Guard Enlisted Association, the State Family Program Coordinator for the Hawaii National Guard representing the family members of the Hawaii Army and Air National Guard, and other concerned citizens. The Department of Taxation submitted comments on this bill.

Upon consideration, your Committee has amended this bill by:

- (1) Deleting provisions in the bill relating to professional liability protection for certain professionals on state active duty;
- (2) Deleting the definition "profession"; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2889, 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. 2889, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1217-94 Finance on S.B. No. 2863

The purpose of this bill is to authorize the expenditure of moneys from the Environmental Response Revolving Fund (Fund) for response actions related to drinking water.

Supportive testimony was submitted by the Honolulu Board of Water Supply.

Comments were also submitted by the Department of Health; the Tax Foundation of Hawaii; the Western States Petroleum Association; the Airlines Committee of Hawaii; Chevron USA; BHP Petroleum Americas, Inc.; the Hawaii Fueling Facilities Corporation; the Hawaii Transportation Association; and the Sierra Club, Hawaii Chapter.

After careful consideration, your Committee has amended this bill by:

- (1) Requiring an unspecified amount of the 5 cent per barrel environmental response tax on petroleum product sales to be used to address drinking water concerns; and
- (2) Making technical, nonsubstantive revisions for purposes of clarity, style, and conformity.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2863, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2863, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1218-94 Finance on S.B. No. 2979

The purpose of this bill is to establish the University of Hawaii at Manoa Laboratory School Summer Programs Revolving Fund (Fund) to provide for the operations of the Laboratory School summer programs.

The University of Hawaii submitted testimony in support of this measure.

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

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2979, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2979, H.D. 1.

Signed by all members of the Committee except Representatives Chang and Tajiri.

SCRep. 1219-94 Finance on S.B. No. 3009

The purpose of this bill is to affirm the State's commitment to providing quality health care to all people by:

- (1) Reorganizing the community hospitals as an Agency for Community Hospitals within the Department of Health, for administrative purposes only, to plan, construct, improve, manage, control, and operate public health facilities;
- (2) Establishing a task force to develop a method for reorganizing the community hospitals as an Agency for Community Hospitals; and
- (3) Establishing a management team to develop plans to ensure that the new agency will be operational by July 1, 1996.

Testimony in support of this measure was submitted by the Department of Health, the Hawaii Government Employees Association, the Healthcare Association of Hawaii, and the United Public Workers.

This bill was amended to correct certain technical and stylistic errors; no substantive changes were made.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3009, 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. 3009, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Chang, Nakasone and Suzuki.

SCRep. 1220-94 Finance on S.B. No. 3010

The purpose of this bill is to increase the special fund appropriation for Hilo Hospital and Maui Memorial Hospital to enable the hospitals to meet increased contract costs based on a change in billing.

Your Committee has received a message from the Governor, dated February 4, 1994:

- (1) Stating that additional funding is needed to reimburse contractors for various ancillary services; and
- (2) Requesting the Legislature for immediate passage of this bill to ensure reimbursement for these contractors.

The Department of Health submitted testimony strongly supporting this bill.

Your Committee has amended this bill by:

- (1) Inserting the amounts of the appropriations; and
- (2) Making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3010, 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. 3010, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Chang, Nakasone, Suzuki and Tam.

SCRep. 1221-94 Finance on S.B. No. 3064

The purpose of this bill is to make an emergency funding to prevent the reduction or discontinuance of Hamakua Medical Center's services.

Your Committee has received a message from the Governor, dated February 4, 1994:

- (1) Stating that additional funding is needed to cover costs of patients who no longer receive health insurance through Hamakua Sugar Company because of the company's bankruptcy proceedings; and
- (2) Requesting the Legislature for immediate passage of this bill to ensure payment for services.

Representatives from the Department of Health, the Hawaii County Council, the Hamakua Health Center, the Hawaii State Primary Care Association, the Hamakua Medical Center, the Paauhau Community Association, the Hamakua District Development Council, and concerned individuals testified on this measure.

Your Committee has amended this bill by:

- (1) Clarifying that the appropriated amount be used to provide medical services to the people of Hamakua; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3064, 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. 3064, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Chang, Nakasone and Suzuki.

SCRep. 1222-94 Finance on S.B. No. 3024

The purpose of this bill is to allow the Attorney General to defend providers of medical, dental, or psychological services to prison inmates if the providers are under contract to the Department of Public Safety and are subsequently sued by inmates in connection with these services.

The Department of Public Safety submitted comments on this measure.

Technical, nonsubstantive amendments were made to this bill for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3024, 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. 3024, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1223-94 Finance on S.B. No. 3075

The purpose of this bill is require employers, who provide health coverage to dependent children of an employee, to recognize a child identified in a qualified medical child support order as an eligible dependent without regard to any enrollment season restrictions.

The Department of the Attorney General and the Hawaii Public Employees' Health Fund Administrator submitted testimony in support of this measure.

Your Committee has amended this measure by:

- (1) Statutorily setting forth what should be included in a "qualified medical child support order"; and
- (2) Making other technical, nonsubstantive revisions for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3075, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3075, S.D. 1, H.D. 3.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1224-94 Finance on S.B. No. 3161

The purposes of this bill as received by your Committee are to:

- (1) Require the Department of Land and Natural Resources to establish policies to expedite the completion of agricultural land lease negotiations as provided for in Act 237, Session Laws of Hawaii (SLH) 1988, as amended; and
- (2) Extend the repeal date of Act 237, SLH 1988, as amended, from July 1, 1994, to July 1, 1995.

Testimony in support of this bill was submitted by farmers from Waimanalo. A concerned citizen submitted testimony supporting the purpose of this bill. The Department of Land and Natural Resources and a farmer from Waimanalo submitted comments on this measure.

After free and open discussion, your Committee has amended this bill by:

- (1) Keeping its language intact, but adding to it, the contents of S.B. No. 2959, S.D. 2, H.D. 1, which was reported out of the House Committee on Water and Land Use Planning earlier this session. S.B. No. 2959, S.D. 2, H.D. 1, authorizes the Board of Land and Natural Resources to among other things:
 - (a) Charge fees to eligible lessees of public lands within industrial parks in an amount sufficient to cover the costs of operation, maintenance, and debt service on revenue bonds; and
 - (b) Issue revenue bonds in the name of the Department of Land and Natural Resources, in amounts authorized by the Legislature;

and
- (2) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3161, 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. 3161, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1225-94 Finance on S.B. No. 3190

The purpose of this bill is to reduce the amount of contributions by the State and the counties to the Public Employees Health Fund for the monthly health insurance premiums of retired state and county employees, who are hired after July 1, 1996, and who served for fewer than twenty-five years.

Testimony was submitted by the Hawaii Government Employees Association, the United Public Workers, the University of Hawaii Professional Assembly, the Hawaii State Teachers Association, the Department of Budget and Finance, the Hawaii Public Employees Health Fund, and a concerned citizen.

Your Committee has amended this measure by making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3190, 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. 3190, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Morihara, Nekoba and Tajiri.

SCRep. 1226-94 Finance on S.B. No. 3253

The purpose of this bill is to appropriate funds for the 1994 Bicentennial Anniversary Celebration of the Arrival of Hispanics in Hawaii.

The United States Hispanic Chamber of Commerce, the Japanese American Citizens League, the Department of European Languages and Literature of the University of Hawaii at Manoa, the Hispanic Employment Council, the United Puerto Rican Association of Hawaii, Inc., the Organizacion Latino Americana, the International Hospitality Center, the Honolulu International School of Soccer, and concerned citizens submitted testimony in support of this measure. The State Foundation on Culture and the Arts submitted testimony in support of the intent of this measure. The Hawaii Hispanic Chamber of Commerce and The Chamber of Commerce of Hawaii submitted comments on this measure.

Your Committee encourages financial support from the business community and interested individuals in the form of matching funds for the Bicentennial Anniversary Celebration as an expression of support for the many contributions made by Hispanic Americans in Hawaii and to help ensure the success of this celebration. Your Committee also encourages the use of matching funds for neighbor island celebrations.

Upon careful consideration, your Committee amended this measure by:

- (1) Inserting a purpose section to clarify that funds for the 1994 Bicentennial Anniversary Celebration of the Arrival of Hispanics in Hawaii are from the SFCA base budget;
- (2) Deleting the appropriation for the 1994 Bicentennial Anniversary Celebration and inserting a proviso into Act 289, Session Laws of Hawaii 1993, that the appropriation for the SFCA shall be used to fund this celebration; and
- (3) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3253, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3253, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Chang and Suzuki.

SCRep. 1227-94 Consumer Protection and Commerce on H.C.R. No. 192

The purpose of this concurrent resolution is to request the Office of State Planning to convene a beach erosion and shoreline management task force to assess the feasibility of variable shoreline setbacks based on the risk of erosion and coastal flooding.

Testimony concerning this concurrent resolution was received from the Office of State Planning and State Farm Insurance Companies.

Upon consideration, your Committee finds that the multiplicity of concerns and issues requires one resolution rather than several since a single concurrent resolution would maximize understanding and minimize the risk of confusion.

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

- (1) The title has been changed to: "Requesting the establishment of a task force to examine methods of improving the management of Hawaii's beaches and shoreline areas, and to investigate coastal hazard mitigation measures.";
- (2) The text of H.C.R. 192 has been deleted;
- (3) The text has been replaced with the substantive contents of H.C.R. 132, combined with additional Whereas paragraphs and the substantive contents of the Be It Resolved paragraphs from H.C.R. 177, 185, 186, 188, 189, 192, 193, and 194; and
- (4) Technical, non-substantive changes were made for style and clarity.

The purpose of these amendments are to place the task force under the leadership of the Hawaii State Association of Counties, and to broaden the responsibilities of the task force to allow it to comprehensively investigate the linkages between coastal hazards and beach erosion. The task force shall develop recommendations and measures: (1) to improve the management of beach and shoreline areas, and (2) to mitigate coastal hazards. The intent is to create a broad-based constituency that will allow for the development of comprehensive and effective recommendations.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 192, as amended herein, and recommends that it be referred to the Committee on Ocean Recreation and Marine Resources in the form attached hereto as H.C.R. No. 192, H.D. 1.

Signed by all members of the Committee except Representatives Amaral, Herkes, Menor, Oshiro, Peters and Takamine.

SCRep. 1228-94 Health on H.R. No. 273

The intent of this legislation is to request the Department of Health to continue the operation of the school-based health centers at Kahuku High and Intermediate School and Kapaa High and Intermediate School and to identify a permanent home for this program and a permanent means of funding the same through Chapter 42D, Hawaii Revised Statutes.

Testimonies supporting the intent of this measure were received from the Department of Health and the Department of Education. However, the Department of Health could not assure continuation of operation of the School Health Service Centers within the current budget.

It was noted by your Committee that the School-Based Health Center pilot programs at Kahuku High School and Kapaa High School have been received well by both the students and the community at both sites. Preliminary evaluations indicate that the centers are fulfilling their purposes of providing students of easily accessible means of receiving health care.

It is recognized by your Committee that this program is an important means of health care for students and can have a tremendous impact on the community. Furthermore, it was felt that this program, which has been shown by the pilot project at both sites to work well, should be expanded to include other schools and communities.

However, your Committee did have various concerns that it felt needed to be addressed. Therefore, they have requested that the Department of Health report to the Legislature once a year on the progress of the programs. The Committee also would like to express its concerns regarding the policy of the Board of Education as to what it takes to turn a pilot project into a permanent program.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 273 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Arakaki and Kawakami.

SCRep. 1229-94 Health on H.C.R. No. 295

The intent of this legislation is to request the Department of Health to continue the operation of the school-based health centers at Kahuku High and Intermediate School and Kapaa High and Intermediate School and to identify a permanent home for this program and a permanent means of funding the same through Chapter 42D, Hawaii Revised Statutes.

Testimonies supporting the intent of this measure were received from the Department of Health and the Department of Education. However, the Department of Health could not assure continuation of operation of the School Health Service Centers within the current budget.

It was noted by your Committee that the School-Based Health Center pilot programs at Kahuku High School and Kapaa High School have been received well by both the students and the community at both sites. Preliminary evaluations indicate that the centers are fulfilling their purposes of providing students of easily accessible means of receiving health care.

It is recognized by your Committee that this program is an important means of health care for students and can have a tremendous impact on the community. Furthermore, it was felt that this program, which has been shown by the pilot project at both sites to work well, should be expanded to include other schools and communities.

However, your Committee did have various concerns that it felt needed to be addressed. Therefore, they have requested that the Department of Health report to the Legislature once a year on the progress of the programs. The Committee also would like to express its concerns regarding the policy of the Board of Education as to what it takes to turn a pilot project into a permanent program.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 295 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Arakaki and Kawakami.

SCRep. 1230-94 Health on H.R. No. 314

The intent of this measure is to urge the Department of Health to find and provide sufficient funding for emergency air ambulance services for the island of Moloka'i, other rural areas, and the other neighbor islands so that the residents of these areas are provided with emergency air ambulance services when needed.

Testimony in support of the intent of this measure was received from the Department of Health.

Emergency air ambulance services for those victims who require specialized medical care or proper medical attention needs to be provided as expeditiously as possible. Your Committee notes that many of these services may not be fully covered for by the health insurance company, federal or state aid, or any other third party payor.

Upon further consideration, realizing that the Department of Health is operating under tight fiscal constraints and that they can not reallocate funds from current programs or services, your Committee has amended this measure by:

- (1) Amending language to transform this measure into a study of funding possibilities rather than finding additional funding for air ambulance services; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 314, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 314, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki and Kawakami.

SCRep. 1231-94 Health on H.C.R. No. 356

The intent of this measure is to urge the Department of Health to find and provide sufficient funding for emergency air ambulance services for the island of Moloka'i, other rural areas, and the other neighbor islands so that the residents of these areas are provided with emergency air ambulance services when needed.

Testimony in support of the intent of this measure was received from the Department of Health.

Emergency air ambulance services for those victims who require specialized medical care or proper medical attention needs to be provided as expeditiously as possible. Your Committee notes that many of these services may not be fully covered for by the health insurance company, federal or state aid, or any other third party payor.

Upon further consideration, realizing that the Department of Health is operating under tight fiscal constraints and that they can not reallocate funds from current programs or services, your Committee has amended this measure by:

- (1) Amending language to transform this measure into a study of funding possibilities rather than finding additional funding for air ambulance services; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 356, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 356, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki and Kawakami.

SCRep. 1232-94 Health on H.R. No. 350

The purpose of this measure is to request the Department of Health and the University of Hawaii to study the benefits of establishing a formalized State-University collaboration program for adult mental health services.

Testimony in support of the intent of this measure was received from the Department of Health. The University of Hawaii, although not testifying in support of or opposition to this measure, felt that a study which had been done prior to the introduction of this measure adequately covered the questions raised by this legislation.

It was noted by your Committee that collaboration between the University of Hawaii and the Department of Health would be beneficial to the overall quality of various programs and delivery of services. Further, it was believed that the study would identify the areas of both hospital and community-based mental health services which may be enhanced, as well as areas of policy development, implementation, and assessment that will be enhanced.

Furthermore, this study will identify areas of training and education of mental health professionals that will be assured under a collaboration effort which had not been addressed in the previous studies.

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

- (1) Adding language that included a look at the fiscal and personnel issues that would be necessary to formalize a collaborative effort; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, conformity, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 350, as amended herein, and recommends that it be referred to the Committee on Higher Education and the Arts in the form attached hereto as H.R. No. 350, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki and Kawakami.

SCRep. 1233-94 Health on H.C.R. No. 407

The purpose of this measure is to request the Department of Health and the University of Hawaii to study the benefits of establishing a formalized State-University collaboration program for adult mental health services.

Testimony in support of the intent of this measure was received from the Department of Health. The University of Hawaii, although not testifying in support of or opposition to this measure, felt that a study which had been done prior to the introduction of this measure adequately covered the questions raised by this legislation.

It was noted by your Committee that collaboration between the University of Hawaii and the Department of Health would be beneficial to the overall quality of various programs and delivery of services. Further, it was believed that the study would identify the areas of both hospital and community-based mental health services which may be enhanced, as well as areas of policy development, implementation, and assessment that will be enhanced.

Furthermore, this study will identify areas of training and education of mental health professionals that will be assured under a collaboration effort which had not been addressed in the previous studies.

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

- (1) Adding language that included a look at the fiscal and personnel issues that would be necessary to formalize a collaborative effort; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, conformity, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 407, as amended herein, and recommends that it be referred to the Committee on Higher Education and the Arts in the form attached hereto as H.C.R. No. 407, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki and Kawakami.

SCRep. 1234-94 Health on H.R. No. 366

The purpose of this resolution is to request the Legislative Reference Bureau to study the feasibility of establishing a Hawaii child, adolescent, and adult mental health public benefit corporation.

Proponents of the intent of this measure included the Department of Health, the Hawaii State Alliance for the Mentally Ill, the Mental Health Association of Hawaii, and the Kokua Council.

The Department of Health, however, requested that they conduct the study rather than the Legislative Reference Bureau because the Department of Health felt that they were more qualified to conduct such a study.

It was brought to your Committee's attention that the delivery of services to the seriously mentally ill in Hawaii is impaired by the present organization and governance of the Community Mental Health Centers. It was further understood that although numerous attempts have been made to improve the system's effectiveness and responsiveness and large sums of money have been spent to improve services at these centers, the system still fails to meet the needs of the mentally ill.

Your Committee would also like to note that they are very concerned about the civil service employees working in the mental health system in Hawaii and the effect that this resolution may have on their jobs and would like to have them represented in any benefit corporation.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 366 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Arakaki and Kawakami.

SCRep. 1235-94 Health on H.C.R. No. 433

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study the feasibility of establishing a Hawaii child, adolescent, and adult mental health public benefit corporation.

Proponents of the intent of this measure included the Department of Health, the Hawaii State Alliance for the Mentally Ill, the Mental Health Association of Hawaii, and the Kokua Council.

The Department of Health, however, requested that they conduct the study rather than the Legislative Reference Bureau because the Department of Health felt that they were more qualified to conduct such a study.

It was brought to your Committee's attention that the delivery of services to the seriously mentally ill in Hawaii is impaired by the present organization and governance of the Community Mental Health Centers. It was further understood that although numerous attempts have been made to improve the system's effectiveness and responsiveness and large sums of money have been spent to improve services at these centers, the system still fails to meet the needs of the mentally ill.

Your Committee would also like to note that they are very concerned about the civil service employees working in the mental health system in Hawaii and the effect that this resolution may have on their jobs and would like to have them represented in any benefit corporation.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 433 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Arakaki and Kawakami.

SCRep. 1236-94 Health on H.R. No. 390

The purpose of this measure is to request the Department of Health's Community Hospital Division to consider relieving former Hamakua Sugar Company employees of financial responsibility of outstanding payments owed for medical services that should have properly been paid for by their medical plan.

Testimony in support of the intent of this measure was received from the Department of Health. However, the Department of Health did point out that only the Attorney General's Office can "write off" debts to the State. At this time, the Department of Health is awaiting an answer to their inquiry about this topic and will furnish the Legislature with their answer when it is received.

Your Committee notes that with the closure of Hamakua Sugar Company, many plantation workers and their families lost their health coverage. Further, the closure of Hamakua Sugar has resulted in additional hardships both financially and emotionally for the residents of Hamakua.

In view of the circumstances, your Committee has decided to pass this measure in hopes that it might alleviate the hardships of the people of Hamakua.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 390 and recommends that it be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee except Representatives Arakaki and Kawakami.

SCRep. 1237-94 Health on H.C.R. No. 445

The purpose of this measure is to request the Department of Health's Community Hospital Division to consider relieving former Hamakua Sugar Company employees of financial responsibility of outstanding payments owed for medical services that should have properly been paid for by their medical plan.

Testimony in support of the intent of this measure was received from the Department of Health. However, the Department of Health did point out that only the Attorney General's Office can "write off" debts to the State. At this time, the Department of Health is awaiting an answer to their inquiry about this topic and will furnish the Legislature with their answer when it is received.

Your Committee notes that with the closure of Hamakua Sugar Company, many plantation workers and their families lost their health coverage. Further, the closure of Hamakua Sugar has resulted in additional hardships both financially and emotionally for the residents of Hamakua.

In view of the circumstances, your Committee has decided to pass this measure in hopes that it might alleviate the hardships of the people of Hamakua.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 445 and recommends that it be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee except Representatives Arakaki and Kawakami.

SCRep. 1238-94 Health on H.R. No. 280

The intent of this resolution is to request the State Auditor to study the costs and benefits of the State's efforts to contain the trade in and consumption of illegal substances in Hawaii.

Testimony in support of this legislation was received from the Department of Health.

Your Committee notes that drug abuse is prevalent in the State and causes concern from the public health standpoint. It is felt that this study would provide a detailed perspective of the current problem and will furnish the Legislature with statistics that would allow for more educated legislation in the future.

However, your Committee felt that various federal agencies which are engaged in control, enforcement and interdiction activities should have been included in this study.

Therefore, your Committee has amended this measure by:

- (1) Including various federal agencies as part of this study; and
- (2) Adding language that calls for the study of forfeiture and other civil penalties to be imposed if someone is found guilty of drug trafficking; and
- (3) Making other technical, nonsubstantive amendments for the purposes of clarity, conformity, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 280, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.R. No. 280, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki and Kawakami.

SCRep. 1239-94 Health on H.R. No. 321

The purpose of this resolution is to request the Department of Defense to consult with the Department of Health and assess the feasibility of using Hawaii National Guard doctors, nurses, and medics to provide professional health care services in underserved communities on the island of Oahu and the neighbor islands.

Proponents of the intent of this measure included the Department of Health and the Department of Defense.

It was noted by your Committee that various benefits could be achieved by using the National Guard's health care professionals to provide health services to the community, one of which is that Hawaii could receive professional health care in needed areas without substantial costs to taxpayers. Moreover, this seems to meet our goal of providing basic health care to all, especially the less fortunate.

Further, it was noted that amendments to the National Defense Act now allows the National Guard to act in a manner which could not be done previously.

After careful consideration, your Committee has amended this measure by:

- (1) Adding language which would assure additional fund availability;
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 321, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.R. No. 321, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki and Kawakami.

SCRep. 1240-94 Health on H.C.R. No. 110

The purpose of this legislation is to encourage the Department of Health to utilize doctorate of psychology interns to provide mental health services for the State.

Proponents of this measure included the Department of Health, the Hawaii Psychological Association, and a student from the Forest Institute of Professional Psychology.

It was brought to your Committee's attention that there is a severe shortage of trained psychological service providers and availability of psychological services to the community. Further, your Committee noted that by utilizing doctorate of psychology interns, a pool of potential resources to assist in the provision of inpatient and outpatient services could be drawn upon by the Department of Health.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 110 and recommends that it be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee.

SCRep. 1241-94 Economic Development and Business Concerns on H.R. No. 271

The purpose of this resolution is to request the State Auditor to give priority to the Office of Space Industry in its ongoing audit of the contract management of the Department of Business, Economic Development, and Tourism (DBEDT).

The resolution also requests the State Auditor to submit findings and recommendations for action, including any proposed legislation, to the Legislature no fewer than twenty days before the convening of the Regular Session of 1995.

The Sierra Club submitted testimony in support of the resolution. The DBEDT testified in support of the intent of the resolution.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 271 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Cachola and M. Ige.

SCRep. 1242-94 Economic Development and Business Concerns on H.C.R. No. 293

The purpose of this concurrent resolution is to request the State Auditor to give priority to the Office of Space Industry in its ongoing audit of the contract management of the Department of Business, Economic Development, and Tourism (DBEDT).

The concurrent resolution also requests the State Auditor to submit findings and recommendations for action, including any proposed legislation, to the Legislature no fewer than twenty days before the convening of the Regular Session of 1995.

The Sierra Club submitted testimony in support of the concurrent resolution. The DBEDT testified in support of the intent of the concurrent resolution.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 293 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Cachola and M. Ige.

SCRep. 1243-94 Economic Development and Business Concerns on H.R. No. 261

The purpose of this resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) to conduct a comprehensive review of the plan being developed by the Hawaii Alliance for Community-Based Economic Development (HACBED) to establish a Hawaii-based community development financial institution.

In addition, this resolution also requests DBEDT to:

- (1) Develop programmatic and funding responses for the State's participation in the creation of a Hawaii-based community development financial institution; and
- (2) Submit a report of its findings and recommendations, including any necessary proposed legislation, to the Legislature no fewer than ten days before the convening of the Regular Session of 1995.

Testimony in support of this resolution was heard from the Office of Hawaiian Affairs, a representative from HACBED, and two interested individuals. The DBEDT testified in support of the intent of this resolution. In its testimony, the DBEDT indicated that community-based organizations have been able to attract over \$6 in matching funds from other financing sources for every dollar in State community-based economic development (CBED) funds allocated. Thirteen community-based organizations receiving CBED financing are currently implementing economic development initiatives that will generate a projected 186 business start-ups and expansions throughout the State.

Your Committee notes that a Hawaii-based community development financial institution would create new opportunities for businesses and would provide valuable support services and resources for companies interested in new business ventures.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 261 and recommends that it be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee except Representatives Cachola and M. Ige.
(Representative Marumoto voted no.)

SCRep. 1244-94 Economic Development and Business Concerns on H.C.R. No. 275

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) to conduct a comprehensive review of the plan being developed by the Hawaii Alliance for Community-Based Economic Development (HACBED) to establish a Hawaii-based community development financial institution.

In addition, this concurrent resolution also requests DBEDT to:

- (1) Develop programmatic and funding responses for the State's participation in the creation of a Hawaii-based community development financial institution; and
- (2) Submit a report of its findings and recommendations, including any necessary proposed legislation, to the Legislature no fewer than ten days before the convening of the Regular Session of 1995.

Testimony in support of this concurrent resolution was heard from the Office of Hawaiian Affairs, a representative from HACBED, and two interested individuals. The DBEDT testified in support of the intent of this concurrent resolution. In its testimony, the DBEDT indicated that community-based organizations have been able to attract over \$6 in matching funds from other financing sources for every dollar in State community-based economic development (CBED) funds allocated. Thirteen community-based organizations receiving CBED financing are currently implementing economic development initiatives that will generate a projected 186 business start-ups and expansions throughout the State.

Your Committee notes that a Hawaii-based community development financial institution would create new opportunities for businesses and would provide valuable support services and resources for companies interested in new business ventures.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 275 and recommends that it be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee except Representatives Cachola and M. Ige.
(Representative Marumoto voted no.)

SCRep. 1245-94 Economic Development and Business Concerns on H.R. No. 349

The purpose of this resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) to promote and pursue community-based economic development strategies by elevating Community-Based Economic Development (CBED) programs to a higher priority in its planning, technical assistance, loan, and other activities.

Your Committee recognizes the positive benefits that have resulted from CBED projects in generating and supporting efforts by communities to stimulate economic development initiatives and ventures at the grassroots level. Your Committee believes that community participation in economic development is highly beneficial to enhancing the health of each community.

The Office of Hawaiian Affairs testified in support of this measure and the DBEDT testified in support of the intent of this measure.

After extensive discussion, your Committee amended this resolution by:

- (1) Adding provisions that stress the importance of coordination and cooperation among economic, educational, social, cultural, and health functions and agencies in contributing to economic diversity and self-sufficiency in communities, targeting program funding, and supporting comprehensive/integrated community development projects;
- (2) Specifying that DBEDT work on the community level with various social, health, cultural, and educational agencies and departments, including the Department of Health, the Department of Human Services, and the Department of Education, in promoting and pursuing community-based economic development strategies;
- (3) Including the Director of Health, the Director of Human Services, and the Superintendent of Education to receive certified copies of this resolution; and
- (4) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 349, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 349, H.D. 1.

Signed by all members of the Committee except Representatives Cachola and M. Ige.

SCRep. 1246-94 Economic Development and Business Concerns on H.C.R. No. 406

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) to promote and pursue community-based economic development strategies by elevating Community-Based Economic Development (CBED) programs to a higher priority in its planning, technical assistance, loan, and other activities.

Your Committee recognizes the positive benefits that have resulted from CBED projects in generating and supporting efforts by communities to stimulate economic development initiatives and ventures at the grassroots level. Your Committee believes that community participation in economic development is highly beneficial to enhancing the health of each community.

The Office of Hawaiian Affairs testified in support of this measure and the DBEDT testified in support of the intent of this measure.

After extensive discussion, your Committee amended this concurrent resolution by:

- (1) Adding provisions that stress the importance of coordination and cooperation among economic, educational, social, cultural, and health functions and agencies in contributing to economic diversity and self-sufficiency in communities, targeting program funding, and supporting comprehensive/integrated community development projects;
- (2) Specifying that DBEDT work on the community level with various social, health, cultural, and educational agencies and departments, including the Department of Health, the Department of Human Services, and the Department of Education, in promoting and pursuing community-based economic development strategies;

- (3) Including the Director of Health, the Director of Human Services, and the Superintendent of Education to receive certified copies of this concurrent resolution; and
- (4) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 406, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 406, H.D. 1.

Signed by all members of the Committee except Representatives Cachola and M. Ige.

SCRep. 1247-94 Economic Development and Business Concerns on H.R. No. 346

The purpose of this resolution is to request the Legislative Reference Bureau (LRB) to conduct a study to determine the viability of developing incubations centers for small businesses.

In addition, the resolution also requests that in conducting the study, LRB consult with the Department of Business, Economic Development, and Tourism (DBEDT); the High Technology Development Corporation (HTDC); the Department of Land and Natural Resources (DLNR); and the respective counties.

Your Committee believes that the establishment of incubation centers for small business would provide valuable start-up assistance and services for fledgling and other small businesses in the State.

The DBEDT submitted testimony on this measure.

After extensive deliberation, your Committee has amended the resolution by:

- (1) Requesting that in conducting the study, LRB consult with:
 - (a) The DBEDT regarding the potential for incubation centers to support community-based economic development and other economic initiatives of the State; and
 - (b) The DLNR regarding the feasibility of establishing incubation centers for small business under Part VII of Chapter 171, Hawaii Revised Statutes, relating to industrial parks;
- (2) Specifying that LRB, in consultation with the DBEDT, examine and make recommendations that address how incubation centers that assist selected businesses serve a public purpose;
- (3) Requesting LRB to look at the statutory authority of other states in determining public purpose with regard to small business incubation centers; and
- (4) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 346, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 346, H.D. 1.

Signed by all members of the Committee except Representatives Cachola and M. Ige.

SCRep. 1248-94 Economic Development and Business Concerns on H.C.R. No. 400

The purpose of this concurrent resolution is to request the Legislative Reference Bureau (LRB) to conduct a study to determine the viability of developing incubations centers for small businesses.

In addition, the concurrent resolution also requests that in conducting the study, LRB consult with the Department of Business, Economic Development, and Tourism (DBEDT); the High Technology Development Corporation (HTDC); the Department of Land and Natural Resources (DLNR); and the respective counties.

Your Committee believes that the establishment of incubation centers for small business would provide valuable start-up assistance and services for fledgling and other small businesses in the State.

The DBEDT submitted testimony on this measure.

After extensive deliberation, your Committee has amended the concurrent resolution by:

- (1) Requesting that in conducting the study, LRB consult with:
 - (a) The DBEDT regarding the potential for incubation centers to support community-based economic development and other economic initiatives of the State; and
 - (b) The DLNR regarding the feasibility of establishing incubation centers for small business under Part VII of Chapter 171, Hawaii Revised Statutes, relating to industrial parks;

- (2) Specifying that LRB, in consultation with the DBEDT, examine and make recommendations that address how incubation centers that assist selected businesses serve a public purpose;
- (3) Requesting LRB to look at the statutory authority of other states in determining public purpose with regard to small business incubation centers; and
- (4) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 400, 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. 400, H.D. 1.

Signed by all members of the Committee except Representatives Cachola and M. Ige.

SCRep. 1249-94 Economic Development and Business Concerns on H.R. No. 372

The purpose of this resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) to conduct a study of the feasibility of expanding the Future Flight Hawaii program to a year-round, statewide initiative.

The resolution also requests the DBEDT to submit a report of the study to the Legislature no fewer than twenty days prior to the convening of the Regular Session of 1995.

Testimony in support of the intent of this resolution was received from the DBEDT.

Your Committee recognizes that Future Flight Hawaii has successfully provided education in aerospace, science, and technology to numerous students and teachers throughout the State and has the potential to bring valuable economic and employment opportunities to the State if it is expanded to a year-round program.

Accordingly, your Committee has amended the resolution by:

- (1) Requesting the DBEDT to include in its report to the Legislature, an assessment of federal and private funding sources to establish Future Flight Hawaii as a year-round, statewide program;
- (2) Making the first BE IT RESOLVED clause consistent with the title of the resolution; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 372, as amended herein, and recommends that it be referred to the Committees on Education and Higher Education and the Arts in the form attached hereto as H.R. No. 372, H.D. 1.

Signed by all members of the Committee except Representatives Cachola and M. Ige.

SCRep. 1250-94 Economic Development and Business Concerns on H.C.R. No. 434

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) to conduct a study of the feasibility of expanding the Future Flight Hawaii program to a year-round, statewide initiative.

The concurrent resolution also requests the DBEDT to submit a report of the study to the Legislature no fewer than twenty days prior to the convening of the Regular Session of 1995.

Testimony in support of the intent of this concurrent resolution was received from the DBEDT.

Your Committee recognizes that Future Flight Hawaii has successfully provided education in aerospace, science, and technology to numerous students and teachers throughout the State and has the potential to bring valuable economic and employment opportunities to the State if it is expanded to a year-round program.

Accordingly, your Committee has amended the concurrent resolution by:

- (1) Requesting the DBEDT to include in its report to the Legislature, an assessment of federal and private funding sources to establish Future Flight Hawaii as a year-round, statewide program;
- (2) Making the first BE IT RESOLVED clause consistent with the title of the resolution; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 434, as amended

herein, and recommends that it be referred to the Committees on Education and Higher Education and the Arts in the form attached hereto as H.C.R. No. 434, H.D. 1.

Signed by all members of the Committee except Representatives Cachola and M. Ige.

SCRep. 1251-94 Economic Development and Business Concerns on H.C.R. No. 428

The purpose of this concurrent resolution, as received, is to request the Department of Accounting and General Services (DAGS) to investigate ways in which Hawaii companies are disadvantaged when competing with companies from other jurisdictions for State contracts and enumerate the ways in which this uneven playing field can be corrected.

Your Committee finds that lower costs for labor, goods, and services on the U.S. mainland and internationally may preclude local companies from securing government work contracts. While competition for bid contracts is desirable, it is important to examine the specifications, qualifications, and rules that dictate the awarding of government bids to companies.

Your Committee received comments on the concurrent resolution from DAGS.

While your Committee has retained the purpose of the concurrent resolution, it has amended the concurrent resolution substantially by:

- (1) Requesting the Department of Business, Economic Development, and Tourism, rather than DAGS, to:
 - (a) Investigate ways in which Hawaii companies are disadvantaged when competing with companies from other jurisdictions for State contracts and enumerate the ways in which this uneven playing field can be corrected; and
 - (b) Examine the work contract provisions of various other state and county entities;
- (2) Amending the title of the concurrent resolution to read: "REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO INVESTIGATE WAYS TO ENSURE THAT LOCAL COMPANIES ARE COMPETITIVE WITH COMPANIES FROM OTHER JURISDICTIONS IN BIDDING FOR WORK CONTRACTS WITH THE STATE GOVERNMENT";
- (3) Including language that states the importance of the Department of Labor and Industrial Relations to enforce the provisions of Section 103-51, Hawaii Revised Statutes, relating to the awarding of bids and contracts for printing, binding, and stationery work;
- (4) Specifying that DBEDT submit its report to the Legislature no fewer than twenty days before the convening of the Regular Session of 1995; and
- (5) Requesting that certified copies of the concurrent resolution be transmitted also to the Director of Business, Economic Development, and Tourism.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 428, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 428, H.D. 1.

Signed by all members of the Committee except Representative Cachola.

SCRep. 1252-94 Economic Development and Business Concerns on H.C.R. No. 487

The purpose of this concurrent resolution is to urge the City and County of Honolulu (City) to enforce State laws with respect to the activity of sidewalk vendors in Waikiki, and to urge the Attorney General to do everything in his power to end any flagrant violations of law.

The Office of Waikiki Development and the Waikiki Improvement Association testified in support of this measure.

Your Committee finds that after almost two years of seeking relief, Waikiki is still shattered on a daily basis by aggressive street solicitation of our visitors by sidewalk T-shirt vendors. This has created an economic hardship for Waikiki merchants, an erosion of aesthetics, and the feeling of loss of neighborhood. It is also resulting in an atmosphere of frustration and hostility.

However, your Committee finds that the measure, as received, is unsound factually. Accordingly, your Committee has amended this measure to outline the current problem and remedies being considered, and to urge any appropriate action, as warranted.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 487, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.C.R. No. 487, H.D. 1.

Signed by all members of the Committee except Representatives Cachola and M. Ige.

SCRep. 1253-94 Economic Development and Business Concerns on H.C.R. No. 112

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) to study the feasibility of establishing a community development district in Puna and Kau, the feasibility of transferring Office of Space Industry (OSI) moneys and personnel to a new community development authority, and to ensure that future moneys allocated for space industry projects in Puna and Kau be expended for community development projects in that area.

Your Committee received testimony in opposition to this measure from DBEDT.

The Mainstreet Pahoia Association, Inc., and the Ka'u Economic Development Corporation testified in support of this measure.

Your Committee finds that OSI is responsible for coordinating a variety of highly innovative space-related projects that are serving to diversify and strengthen both economic and educational opportunities on all islands. To transfer supporting resources from successful statewide programs to a new economic development initiative targeting two districts in the County of Hawaii is not in the best interest of the State.

Accordingly, your Committee has amended this measure by:

- (1) Deleting all references to OSI from this measure;
- (2) Deleting any reference to transferring human and financial resources of OSI to community development projects;
- (3) Limiting transmittal of a certified copy of this measure to the Director of Business, Economic Development, and Tourism; and
- (4) Requesting the DBEDT to investigate all opportunities to support community-based economic development in Puna and Kau; and
- (5) Making technical, non-substantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 112, as amended herein, and recommends that it be referred to the Committee on Water and Land Use Planning in the form attached hereto as H.C.R. No. 112, H.D. 1.

Signed by all members of the Committee except Representatives Cachola and M. Ige.

SCRep. 1254-94 Energy and Environmental Protection on H.C.R. No. 170

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to study the concept of exchanging State lands located at Puuanahulu on the Big Island with land at Keahole on the Big Island, owned by the Hawaii Electric Light Company (HELCO).

Growth in West Hawaii has placed demands for electrical energy beyond the capacity of the present HELCO facilities. However, expansion will require larger generators, thus taller smokestacks to dissipate the contaminants. It is this expansion which has created great concern among the surrounding communities. It is not appropriate to have these communities susceptible to generator waste, as the Kona area is well known for its mauka/makai breezes which may carry contaminants over the residents in these communities.

Testimony in support of this measure was submitted by Representative Virginia Isbell and the Keahole Defense Coalition, while the Hawaii Electric Light Company (HELCO) submitted testimony supporting the intent of the measure. The Department of Land and Natural Resources submitted comments on this measure.

Although supporting the intent of the resolution, HELCO felt that the resolution failed to take into account: (1) that HELCO has been unable to obtain suitable, generation sites to meet existing and future electrical needs for Hawaii; (2) that HELCO is attempting to add generating capacity at its existing plant at Keahole to meet current electrical needs; and (3) that even if HELCO could obtain the Puuanahulu lands immediately, it could not build a plant there in time to meet its customer's needs in a timely fashion.

After free and open discussion, your Committee has amended this measure by:

- (1) Including the requirement that in order to effect the land exchange, HELCO is to plan its major expansion at Puuanahulu as soon as possible and not install any generators at its present site which may cause the release of contaminants greater than that already being generated; and
- (2) Making technical, nonsubstantive revisions for the purpose of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee 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 Water and Land Use Planning in the form attached hereto as H.C.R. No. 170, H.D. 1.

Signed by all members of the Committee except Representatives Hiraki, Hirono and Takamine.

SCRep. 1255-94 Economic Development and Business Concerns on H.C.R. No. 247

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) to develop programs to further promote environmental industries, and to establish public/private partnerships to provide education and training in environmental fields to students.

DBEDT testified in support of this measure to the extent that current budget restrictions make it possible.

Your Committee finds that Hawaii is ideally situated to take advantage of economic and educational development opportunities in the environmental industry throughout the Pacific Rim. However, Hawaii's youth must be properly prepared to seize those opportunities. Accordingly, this measure has been amended by:

- (1) Requesting the Department of Education (DOE) and the University of Hawaii (UH) to coordinate with the Department of Business, Economic Development, and Tourism to jointly develop programs;
- (2) Transmitting additional certified copies of this measure to the Superintendent of Education, the Chancellor of the University of Hawaii, and the Chancellor for Community Colleges; and
- (3) Amending the title of this measure to read: "REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, THE DEPARTMENT OF EDUCATION, AND THE UNIVERSITY OF HAWAII TO DEVELOP PROGRAMS TO FURTHER PROMOTE ENVIRONMENTAL INDUSTRIES WITHIN THE STATE AND TO ESTABLISH PUBLIC/PRIVATE PARTNERSHIPS TO PROVIDE STUDENTS EDUCATION AND TRAINING IN ENVIRONMENTAL FIELDS".

Your Committee has also made technical, non-substantive amendments for purposes of style and consistency.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 247, as amended herein, and recommends that it be referred to the Committee on Energy and Environmental Protection in the form attached hereto as H.C.R. No. 247, H.D. 1.

Signed by all members of the Committee except Representatives Cachola and M. Ige.

SCRep. 1256-94 Energy and Environmental Protection on H.C.R. No. 430

The purpose of this concurrent resolution as received by your Committee is to facilitate the reduction of Hawaii's dependence on imported sources of petroleum by promoting the development of alternate energy technologies.

This measure proposes to accomplish this by requesting the Energy Division of the Department of Business, Economic Development, and Tourism to investigate the various community-based and rural uses that may benefit through the application of wind energy generation technology.

Testimony in support of this measure was submitted by the Native Hawaiian Chamber of Commerce. The Department of Business, Economic Development, and Tourism submitted testimony in support of the intent of the measure.

The objectives of the State as enumerated in the State Plan calls for the State to increase "energy self-sufficiency," and to achieve this objective, it is the policy of the State to "promote the use of renewable energy sources." Hawaii is fortunate to have an abundance of indigenous renewable energy resources and wind energy has been identified as one of the more cost-effective of these resources.

To effectively reduce the State's dependence on imported petroleum, and be consistent with the State Plan, your Committee believes that the scope of this measure should be expanded to explore, and where feasible, utilize wind and photovoltaic systems to satisfy Hawaii's electric generation requirements, and not just for the benefit of rural communities and community-based economic development projects.

Accordingly, after free and open discussion, your Committee has amended this measure by:

- (1) Retaining language that refer to mobile wind energy generating systems and operation that can benefit from this technology, while deleting the remaining language from the measure;
- (2) Incorporating language, including the title from H.C.R. No. 480, which requests Hawaii's electrical utilities to explore, and where feasible, utilize wind and photovoltaic systems to satisfy Hawaii's electric generation requirements; and
- (3) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 430, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 430, H.D. 1.

Signed by all members of the Committee except Representatives Hiraki, Hirono and Takamine.

SCRep. 1257-94 Hawaiian Affairs on H.R. No. 124

The purpose of this resolution is to urge the Commission on Water Resource Management and the Department of Land and Natural Resources (DLNR) to adopt a policy of integrated management, protection, and conservation for all waters and other resources embracing ahupuaa custom and tradition.

The following organizations testified in support of this measure: the DLNR; the Department of Hawaiian Home Lands; the Association of Hawaiian Civic Clubs; and the Ka Lahui Hawaii Political Action Committee. The University of Hawaii at Manoa's Environmental Center also submitted comments.

Upon further review, your Committee concurred with the recommendation of various testifiers that the scope of agencies be expanded to include others that also have jurisdiction over the management of these resources. Accordingly, this measure has been amended by:

- (1) Replacing the title to read: "HOUSE RESOLUTION URGING FEDERAL, STATE, AND COUNTY AGENCIES TO ADOPT A POLICY THAT UTILIZES THE AHUPUAA AS A MODEL FOR THE INTEGRATED RESOURCE MANAGEMENT OF WATER AND OTHER RESOURCES;"
- (2) Re-wording and broadening the scope of the BE IT RESOLVED clause to include Federal, State, and County agencies;
- (3) Inserting two BE IT FURTHER RESOLVED clauses that: clarifies the ahupuaa concept; and requests the DLNR and the Commission on Water Resource Management to take the lead in encouraging the cooperation of additional agencies;
- (4) Reducing the number of agencies to receive certified copies of this measure; and
- (5) Making technical, nonsubstantive amendments for the purpose of style and clarity.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 124, as amended herein, and recommends that it be referred to the Committee on Water and Land Use Planning in the form attached hereto as H.R. No. 124, H.D. 1.

Signed by all members of the Committee except Representatives Ihara, Lee and Okamura.

SCRep. 1258-94 Hawaiian Affairs on H.C.R. No. 135

The purpose of this concurrent resolution is to urge the Commission on Water Resource Management and the Department of Land and Natural Resources (DLNR) to adopt a policy of integrated management, protection, and conservation for all waters and other resources embracing ahupuaa custom and tradition.

The following organizations testified in support of this measure: the DLNR; the Department of Hawaiian Home Lands; the Association of Hawaiian Civic Clubs; and the Ka Lahui Hawaii Political Action Committee. The University of Hawaii at Manoa's Environmental Center also submitted comments.

Upon further review, your Committee concurred with the recommendation of various testifiers that the scope of agencies be expanded to include others that also have jurisdiction over the management of these resources. Accordingly, this measure has been amended by:

- (1) Replacing the title to read: "HOUSE CONCURRENT RESOLUTION URGING FEDERAL, STATE, AND COUNTY AGENCIES TO ADOPT A POLICY THAT UTILIZES THE AHUPUA'A AS A MODEL FOR THE INTEGRATED RESOURCE MANAGEMENT OF WATER AND OTHER RESOURCES;"
- (2) Re-wording and broadening the scope of the BE IT RESOLVED clause to include Federal, State, and County agencies;
- (3) Inserting two BE IT FURTHER RESOLVED clauses that: clarifies the ahupuaa concept; and requests the DLNR and the Commission on Water Resource Management to take the lead in encouraging the cooperation of additional agencies;
- (4) Reducing the number of agencies to receive certified copies of this measure: and
- (5) Making technical, nonsubstantive amendments for the purpose of style and clarity.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 135, as amended herein, and recommends that it be referred to the Committee on Water and Land Use Planning in the form attached hereto as H.C.R. No. 135, H.D. 1.

Signed by all members of the Committee except Representatives Ihara, Lee and Okamura.

SCRep. 1259-94 Hawaiian Affairs and Education on H.R. No. 184

The purpose of this resolution is to request the Office of Hawaiian Affairs (OHA) to convene a conference of early childhood education and child care agencies and other organizations and agencies that serve native Hawaiians and Hawaiians.

Your Committees received testimony generally in support of this resolution from the Governor's Office of Children and Youth, OHA, Kamehameha Schools Bernice Pauahi Bishop Estate (KSBPBE), and the Department of Human Services.

Your Committees recognize the importance in fostering and encouraging quality early childhood education for children of Hawaiian ancestry, and therefore believes that a conference of early childhood education and child care agencies and other organizations and agencies that serve native Hawaiians and Hawaiians would be beneficial.

However, in accordance with striving for quality early childhood education for the children of Hawaiian ancestry, your Committees also request that prior to convening the conference of early childhood education, a guideline of the scope and objectives for the early childhood conference should be established with the cooperation of the Departments of Education, Human Services, and Health, the Governor's Office of Children and Youth, the OHA, the KSBPBE, and the Hui 'Imi Task Force.

Your Committees have amended this resolution as follows:

- (1) Inserting the Hui 'Imi Task Force as a participant in providing assistance and support to the OHA;
- (2) Inserting the Hui 'Imi Task Force among the group receiving certified copies of this resolution; and
- (3) Inserting a request that the OHA determine the scope and objectives of the conference of early childhood prior to its convening.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Education that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 184, as amended herein, and recommend that it be referred to the Committee on Human Services in the form attached hereto as H.R. No. 184, H.D. 1.

Signed by all members of the Committees except Representatives Ihara, Lee and Okamura.

SCRep. 1260-94 Hawaiian Affairs and Education on H.C.R. No. 196

The purpose of this concurrent resolution is to request the Office of Hawaiian Affairs (OHA) to convene a conference of early childhood education and child care agencies and other organizations and agencies that serve native Hawaiians and Hawaiians.

Your Committees received testimony generally in support of this concurrent resolution from the Governor's Office of Children and Youth, OHA, Kamehameha Schools Bernice Pauahi Bishop Estate (KSBPBE), and the Department of Human Services.

Your Committees recognize the importance in fostering and encouraging quality early childhood education for children of Hawaiian ancestry, and therefore believes that a conference of early childhood education and child care agencies and other organizations and agencies that serve native Hawaiians and Hawaiians would be beneficial.

However, in accordance with striving for quality early childhood education for the children of Hawaiian ancestry, your Committees also request that prior to convening the conference of early childhood education, a guideline of the scope and objectives for the early childhood conference should be established with the cooperation of the Departments of Education, Human Services, and Health, the Governor's Office of Children and Youth, the OHA, the KSBPBE, and the Hui 'Imi Task Force.

Your Committees have amended this concurrent resolution as follows:

- (1) Inserting the Hui 'Imi Task Force as a participant in providing assistance and support to the OHA;
- (2) Inserting the Hui 'Imi Task Force among the group receiving certified copies of this concurrent resolution; and
- (3) Inserting a request that the OHA determine the scope and objectives of the conference of early childhood prior to its convening.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Education that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 196, as amended herein, and recommend that it be referred to the Committee on Human Services in the form attached hereto as H.C.R. No. 196, H.D. 1.

Signed by all members of the Committees except Representatives Ihara, Lee and Okamura.

SCRep. 1261-94 Health on H.C.R. No. 309

The intent of this concurrent resolution is to request the State Auditor to study the costs and benefits of the State's efforts to contain the trade in and consumption of illegal substances in Hawaii.

Testimony in support of this legislation was received from the Department of Health.

Your Committee notes that drug abuse is prevalent in the State and causes concern from the public health standpoint. It is felt that this study would provide a detailed perspective of the current problem and will furnish the Legislature with statistics that would allow for more educated legislation in the future.

However, your Committee felt that various federal agencies which are engaged in control, enforcement and interdiction activities should have been included in this study.

Therefore, your Committee has amended this measure by:

- (1) Including various federal agencies as part of this study; and
- (2) Adding language that calls for the study of forfeiture and other civil penalties to be imposed if someone is found guilty of drug trafficking; and
- (3) Making other technical, nonsubstantive amendments for the purposes of clarity, conformity, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 309, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.C.R. No. 309, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki and Kawakami.

SCRep. 1262-94 Health on H.C.R. No. 382

The purpose of this concurrent resolution is to request the Department of Defense to consult with the Department of Health and assess the feasibility of using Hawaii National Guard doctors, nurses, and medics to provide professional health care services in underserved communities on the island of Oahu and the neighbor islands.

Proponents of the intent of this measure included the Department of Health and the Department of Defense.

It was noted by your Committee that various benefits could be achieved by using the National Guard's health care professionals to provide health services to the community, one of which is that Hawaii could receive professional health care in needed areas without substantial costs to taxpayers. Moreover, this seems to meet our goal of providing basic health care to all, especially the less fortunate.

Further, it was noted that amendments to the National Defense Act now allows the National Guard to act in a manner which could not be done previously.

After careful consideration, your Committee has amended this measure by:

- (1) Adding language which would assure additional fund availability;
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 382, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.C.R. No. 382, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki and Kawakami.

SCRep. 1263-94 Ocean Recreation and Marine Resources on H.C.R. No. 246

The purpose of House Concurrent Resolution No. 246 is to implement the Hawaii Ocean Resources Management Plan as the guiding document in shaping the State's management of Hawaii's marine and coastal resources.

Your Committee on Ocean Recreation and Marine Resources finds that the Hawaii Ocean Resources Management Plan is a thorough plan resulting from the hard work of many dedicated individuals with the intent of creating a vision for managing Hawaii's ocean resources that is based on stewardship, resource allocation, and conservation.

Your Committee embraces this plan and realizes the need for appropriate legislative support to provide incentives to the state agencies responsible for implementation of actions identified in the plan.

Supportive testimony was given by the Department of Business Economic Development and Tourism, the Office of State Planning, the Sierra Club - Hawaii Chapter, the Maui County Council, The Ocean Recreation Council of Hawaii, University of Hawaii Marine Option Program and three concerned citizens.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 246 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Amaral, Herkes and Tajiri.

SCRep. 1264-94 Ocean Recreation and Marine Resources on H.R. No. 228

The purpose of House Resolution No. 288 is to implement the Hawaii Ocean Resources Management Plan as the guiding document in shaping the State's management of Hawaii's marine and coastal resources.

Your Committee on Ocean Recreation and Marine Resources finds that the Hawaii Ocean Resources Management Plan is a thorough plan resulting from the hard work of many dedicated individuals with the intent of creating a vision for managing Hawaii's ocean resources that is based on stewardship, resource allocation, and conservation.

Your Committee embraces this plan and realizes the need for appropriate legislative support to provide incentives to the state agencies responsible for implementation of actions identified in the plan.

Supportive testimony was given by the Department of Business Economic Development and Tourism, the Office of State Planning, the Sierra Club - Hawaii Chapter, the Maui County Council, The Ocean Recreation Council of Hawaii, University of Hawaii Marine Option Program and three concerned citizens.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 228 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Amaral, Herkes and Tajiri.

SCRep. 1265-94 Higher Education and the Arts on H.R. No. 337

The purpose of this resolution is to establish a Hawaii Museum Center at Barbers Point to preserve the rich history of the State and promote and advance economic development in Kapolei.

The President of Bishop Museum, the Managing Director of the Pacific Aerospace Museum, and the Vice-President of the Hawaii Museum Center and the Pacific War Museum submitted testimony in support of this resolution. The Office of State Planning submitted comments on this resolution.

After free and open discussion, your Committee has amended this resolution by:

- (1) Allowing the Department of Land and Natural Resources to negotiate for an alternate site if the desired site is not available;
- (2) Clarifying that the steering committee also report on the optimum way to facilitate the establishment of a Hawaii Museum Center or similar facility; and
- (3) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 337, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 337, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1266-94 Higher Education and the Arts on H.C.R. No. 390

The purpose of this concurrent resolution is to establish a Hawaii Museum Center at Barbers Point to preserve the rich history of the State and promote and advance economic development in Kapolei.

The president of Bishop Museum, the managing director of the Pacific Aerospace Museum, and the vice-president of the Hawaii Museum Center and the Pacific War Museum submitted testimony in support of this concurrent resolution. The Office of State Planning submitted comments on this concurrent resolution.

After free and open discussion, your Committee has amended this concurrent resolution by:

- (1) Allowing the Department of Land and Natural Resources to negotiate for an alternate site if the desired site is not available;
- (2) Clarifying that the steering committee also report on the optimum way to facilitate the establishment of a Hawaii Museum Center or similar facility; and
- (3) Making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 390, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 390, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1267-94 Higher Education and the Arts on H.R. No. 315

The purpose of this resolution, as received by your Committee, is to request the State Foundation on Culture and the Arts (SFCA) to incorporate into their master planning process recommendations which would stimulate the arts community and revitalize Hawaii's economic climate.

Testimony generally in support of this measure was submitted by Inner Ecology Art, Iona Pear Dance Theatre, the Hawaii Watercolor Society, the Department of Business, Economic Development, and Tourism (DBEDT), and the SFCA.

Your Committee received testimony from the SFCA which suggested that the DBEDT may be better qualified to formulate recommendations which would stimulate the arts community and revitalize Hawaii's economic climate based upon the DBEDT's expertise in long-range planning of State policies and tourism.

Your Committee recognizes that in order to effectuate a commitment to our State and to cultural tourism, the promotion of a Hawaiian as well as a multi-cultural atmosphere should begin within the various airports of our State. Your Committee also agrees that the DBEDT should be the primary government agency in proposing recommendations, as well as exploring mechanisms to channel moneys from private resources and the Hawaii Visitor's Bureau into fulfilling the objectives of this resolution.

Your Committee has amended this resolution as follows:

- (1) Changing the title of the House resolution to request DBEDT to submit recommendations which would stimulate the arts community and revitalize Hawaii's economic climate;
- (2) Replacing the "State Foundation on Culture and the Arts" throughout this resolution with the "Department of Business, Economic Development, and Tourism" as the government agency responsible for submitting recommendations to stimulate the arts community and revitalize Hawaii's economic climate;
- (3) Replacing the third "WHEREAS" clause with a description of the DBEDT's role and designating the DBEDT as the state entity primarily responsible for the long-range State policies and tourism-related activities and resources in the State;
- (4) Deleting the sixth "WHEREAS" paragraph;
- (5) Deleting the ninth "WHEREAS" paragraph;
- (6) Amending this resolution so that the DBEDT requests the assistance of the SFCA in drafting an economic development plan for culture and arts in Hawaii; and
- (7) Making technical and nonsubstantive changes to this resolution for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 315, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 315, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1268-94 Higher Education and the Arts on H.C.R. No. 361

The purpose of this concurrent resolution, as received by your Committee, is to request the State Foundation on Culture and the Arts (SFCA) to incorporate into their master planning process recommendations which would stimulate the arts community and revitalize Hawaii's economic climate.

Testimony generally in support of this measure was submitted by Inner Ecology Art, Iona Pear Dance Theatre, the Hawaii Watercolor Society, the Department of Business, Economic Development, and Tourism (DBEDT), and the SFCA.

Your Committee received testimony from the SFCA which suggested that the DBEDT may be better qualified to formulate recommendations which would stimulate the arts community and revitalize Hawaii's economic climate based upon the DBEDT's expertise in long-range planning of State policies and tourism.

Your Committee recognizes that in order to effectuate a commitment to our State and to cultural tourism, the promotion of a Hawaiian as well as a multi-cultural atmosphere should begin within the various airports of our State. Your Committee also agrees that the DBEDT should be the primary government agency in proposing recommendations, as well as exploring mechanisms to channel moneys from private resources and the Hawaii Visitor's Bureau into fulfilling the objectives of this concurrent resolution.

Your Committee has amended this concurrent resolution as follows:

- (1) Changing the title of the concurrent resolution to request DBEDT to submit recommendations which would stimulate the arts community and revitalize Hawaii's economic climate;
- (2) Replacing the "State Foundation on Culture and the Arts" throughout this concurrent resolution with the "Department of Business, Economic Development, and Tourism" as the government agency responsible for submitting recommendations to stimulate the arts community and revitalize Hawaii's economic climate;
- (3) Replacing the third "WHEREAS" clause with a description of the DBEDT's role and designating the DBEDT as the state entity primarily responsible for the long-range State policies and tourism-related activities and resources in the State;
- (4) Deleting the sixth "WHEREAS" paragraph;
- (5) Deleting the ninth "WHEREAS" paragraph;
- (6) Amending this concurrent resolution so that the DBEDT requests the assistance of the SFCA in drafting an economic development plan for culture and arts in Hawaii; and
- (7) Making technical and nonsubstantive changes to this concurrent resolution for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 361, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 361, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Duldulao, M. Ige, Taniguchi and Tanimoto.

SCRep. 1269-94 Intergovernmental Relations and International Affairs on H.C.R. No. 317

The purpose of this concurrent resolution, as received by your Committee, is to request the State of Hawaii to develop an integrated Pacific Islands trade policy.

Your Committee received testimony supporting the intent of this measure from the Office of International Relations, the Department of Business, Economic Development, and Tourism (DBEDT) and private citizens.

While your Committee finds that an integrated trade policy would greatly benefit the State by helping to diversify and internationalize Hawaii's economy, your Committee is concerned that the development of a trade "policy" does not provide the catalyst needed to serve the purpose of this measure.

Your Committee also finds that the DBEDT does not have the resources to undertake all of the tasks called for in this concurrent resolution. Accordingly, your Committee has narrowed the scope of this concurrent resolution by:

- (1) Changing its title to read: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF AN ONGOING EFFORT TO COORDINATE AND FACILITATE TRADE BETWEEN HAWAII AND THE PACIFIC ISLANDS;"
- (2) Requesting the DBEDT, with the cooperation of the Office of International Relations and other interested parties, to develop an ongoing effort to coordinate and facilitate trade between Hawaii and the Pacific Islands;
- (3) Providing that certified copies of this measure be transmitted to both the Director of DBEDT and the Director of the Office of International Relations; and
- (4) Making other technical, nonsubstantive amendments for purposes of clarity, style, and consistency.

As affirmed by the record of votes of the members of your Committee on Intergovernmental Relations and International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 317, as amended herein, and recommends that it be referred to the Committee on Tourism, in the form attached hereto as H.C.R. No. 317, H.D. 1.

Signed by all members of the Committee except Representatives Alcon, Hagino and Takumi.

SCRep. 1270-94 Economic Development and Business Concerns on H.C.R. No. 352

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) to determine the financial costs, staff requirements, economic benefits, and the administrative rules and procedures necessary to implement the Permit Process Facilitation Act (Act).

Your Committee received testimony from the DBEDT. In its testimony, the DBEDT indicated that implementation of the Act would require funds and resources for the permit process.

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

- (1) Including the Office of State Planning with DBEDT to:
 - (a) Determine the financial costs, staff requirements, economic benefits, and administrative rules and procedures necessary to implement the Act; and
 - (b) Report findings and recommendations on efforts to implement the Act, to the Legislature no fewer than sixty days before the convening of the Regular Session of 1995;
- (2) Amending the title of the concurrent resolution to read: "URGING EFFORTS TO EXPEDITE THE IMPLEMENTATION OF THE PERMIT PROCESS FACILITATION ACT";
- (3) Requesting that the Director of the Office of State Planning also receive a certified copy of this concurrent resolution; and
- (4) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 352, as amended herein, and recommends that it be referred to the Committee on Energy and Environmental Protection in the form attached hereto as H.C.R. No. 352, H.D. 1.

Signed by all members of the Committee except Representatives Cachola and M. Ige.

SCRep. 1271-94 Water and Land Use Planning on H.R. No. 288

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to enter into negotiations with private land owners for three designated tax map key areas, in accordance with the intent of Act 348, Session Laws of Hawai'i, 1993. Act 348 recognized the historical significance of Mount Olomana by establishing it as a state monument, and authorized the acquisition of lands necessary for its protection.

Testimony on this measure was received from DLNR, the Save Mount Olomana Association, and KPAC.

Your Committee finds that the intent of H.R. 288 is to express continuing legislative support in respect to the preservation of Mount Olomana for its scenic, cultural, and historical value before it is irreparably damaged. Your Committee further notes that the intent of this resolution was to urge DLNR to explore alternative avenues of acquiring or protecting Mount Olomana lands by means other than purchase or land exchange that would diminish the ceded lands trust.

Your Committee appreciates the efforts made on the part of the sponsor of this resolution to pull together the various parties involved in order to clarify and define the steps necessary to establish Mount Olomana as a significant state monument for the people of Hawaii.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee is in accord with the intent and purpose of H.R. No. 288 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Tajiri.

SCRep. 1272-94 Water and Land Use Planning on H.C.R. No. 321

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to enter into negotiations with private land owners for three designated tax map key areas, in accordance with the intent of Act 348, Session Laws of Hawai'i, 1993. Act 348 recognized the historical significance of Mount Olomana by establishing it as a state monument, and authorized the acquisition of lands necessary for its protection.

Testimony on this measure was received from DLNR, the Save Mount Olomana Association, and KPAC.

Your Committee finds that the intent of H.C.R. 321 is to express continuing legislative support in respect to the preservation of Mount Olomana for its scenic, cultural, and historical value before it is irreparably damaged. Your Committee further notes that the intent of this resolution was to urge DLNR to explore alternative avenues of acquiring or protecting Mount Olomana lands by means other than purchase or land exchange that would diminish the ceded lands trust.

Your Committee appreciates the efforts made on the part of the sponsor of this concurrent resolution to pull together the various parties involved in order to clarify and define the steps necessary to establish Mount Olomana as a significant state monument for the people of Hawaii.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee is in accord with the intent and purpose of H.C.R. No. 321 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Tajiri.

SCRep. 1273-94 Water and Land Use Planning on H.R. No. 332

The purpose of this resolution is to request the planning departments of each county to review requirements to facilitate and encourage subsistence farming in Hawaii.

Your Committee recognizes that subsistence farming in Hawaii is a style of living that many families and individuals would readily choose to undertake, resulting in many benefits to the people and culture of this State.

The Office of Hawaiian Affairs testified in strong support of this measure.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee is in accord with the intent and purpose of H.R. No. 332 and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs.

Signed by all members of the Committee except Representatives Bainum and Tajiri.

SCRep. 1274-94 Water and Land Use Planning on H.C.R. No. 393

The purpose of this concurrent resolution is to request the planning departments of each county to review requirements to facilitate and encourage subsistence farming in Hawaii.

Your Committee recognizes that subsistence farming in Hawaii is a style of living that many families and individuals would readily choose to undertake, resulting in many benefits to the people and culture of this State.

The Office of Hawaiian Affairs testified in strong support of this measure.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee is in accord with the intent and purpose of H.C.R. No. 393 and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs.

Signed by all members of the Committee except Representatives Bainum and Tajiri.

SCRep. 1275-94 Water and Land Use Planning on H.R. No. 253

The purpose of this resolution is to request the Department of Land and Natural Resources and the Auditor to report on sales, leases, and exchanges of public land trusts within the last decade.

Your Committee received testimony from the Department of Land and Natural Resources, Office of Hawaiian Affairs, and the Association of Hawaiian Civic Clubs.

The Department of Land and Natural Resources testified that in order to comply with this resolution a problem would arise due to the additional workload placing a burden on the Department's already limited staffing and budget. Your Committee recognizes this dilemma, but notes that this resolution will be referred to the House Committee on Finance where the financial implications can be better addressed.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 253 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Bainum and Tajiri.

SCRep. 1276-94 Water and Land Use Planning on H.C.R. No. 228

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources and the Auditor to report on sales, leases, and exchanges of public land trusts within the last decade.

Your Committee received testimony from the Department of Land and Natural Resources, Office of Hawaiian Affairs, and the Association of Hawaiian Civic Clubs.

The Department of Land and Natural Resources testified that in order to comply with this concurrent resolution a problem would arise due to the additional workload placing a burden on the Department's already limited staffing and budget. Your Committee recognizes this dilemma, but notes that this concurrent resolution will be referred to the House Committee on Finance where the financial implications can be better addressed.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 228 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Bainum and Tajiri.

SCRep. 1277-94 Water and Land Use Planning on H.R. No. 358

The purpose of this resolution is to request the Legislative Reference Bureau to determine the value of the property that currently supports the Oahu Community Correctional Facility.

Testimony in support of this measure was received from the Building Industry Association of Hawaii, Kalihi Business Association, Kalihi Palama Community Council, Honolulu Neighborhood Housing Services Inc., and two private citizens.

The Oahu Community Correctional Center is currently located on ceded land, if it is to be relocated and the site sold or the land swapped, your Committee feels it is essential that the Office of Hawaiian Affairs is consulted. Therefore, your Committee has amended this measure to include the Office of Hawaiian Affairs.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 358, as amended herein, and recommends that it be referred to the Committee on Public Safety and Corrections in the form attached hereto as H.R. No. 358, H.D. 1.

Signed by all members of the Committee except Representatives Bainum and Tajiri.

SCRep. 1278-94 Water and Land Use Planning on H.C.R. No. 418

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to determine the value of the property that currently supports the Oahu Community Correctional Facility.

Testimony in support of this measure was received from the Building Industry Association of Hawaii, Kalihi Business Association, Kalihi Palama Community Council, Honolulu Neighborhood Housing Services Inc., and two private citizens.

The Oahu Community Correctional Center is currently located on ceded land, if it is to be relocated and the site sold or the land swapped, your Committee feels it is essential that the Office of Hawaiian Affairs is consulted. Therefore, your Committee has amended this measure to include the Office of Hawaiian Affairs.

As affirmed by the record of votes of the members of your Committee on Water and Land Use Planning that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 418, as amended herein, and recommends that it be referred to the Committee on Public Safety and Corrections in the form attached hereto as H.C.R. No. 418, H.D. 1.

Signed by all members of the Committee except Representatives Bainum and Tajiri.

SCRep. 1279-94 Labor and Public Employment on H.C.R. No. 467

The purpose of this concurrent resolution is to request the Legislative Auditor (Auditor) to contract with a consultant to:

- (1) Determine if pay inequity exists among nonsupervisory blue-collar and institutional, health, and correctional public employee job classes dominated by one sex;
- (2) Determine what factors contribute to the inequity if inequity exists; and
- (3) Determine what changes in law or practice could optimally achieve fairness in job evaluation.

Further, this measure requests the Auditor to:

- (1) Develop a request for proposals to be used to select a consultant, in consultation with an employee representative and the Director of Personnel Services;
- (2) Direct the consultant to conduct the job evaluation study under certain specific guidelines;
- (3) Monitor the progress of the consultant and provide necessary administrative support; and
- (4) Direct the consultant to submit an interim or final report prior to the convening of the 1995 Regular Session, and if necessary, a final report prior to the 1996 Regular Session.

Your Committee received testimony in support of this measure from the United Public Workers. The Department of Personnel Services and the Hawaii Government Employees Association also offered comments on this measure.

Wage equity attracts, selects, and retains competent and loyal personnel which, in turn, results in efficient government services. Therefore, it is imperative that the State maintain an equitable relationship between the value of work performed and salary or wage schedules. Your Committee finds that the study requested in this measure will help the State maintain its commitment to equality, regardless of gender.

Your Committee further finds that the analysis called for in this study is highly technical and requires sound professional judgment and advice. Therefore, a highly qualified consultant with experience in job evaluation studies is necessary. To ensure meaningful results and recommendations, adequate funds will also be necessary.

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 467 and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representative Taniguchi.
(Representative Alcon voted no.)

SCRep. 1280-94 Labor and Public Employment on H.C.R. No. 319

The purpose of this concurrent resolution is to approve the proposed compensation plans and costs of the compensation adjustments submitted by the personnel directors of the State, the Judiciary, and the counties.

Testimony in support of this measure was received from the Conference of Personnel Directors and the Hawaii Government Employees Association.

Sections 77-4 and 77-5, Hawaii Revised Statutes, require the Conference of Personnel Directors to review the compensation plans of each jurisdiction biennially, and to submit its recommendations to the Public Employees Compensation Appeals Board (Board).

The Board then hears pricing appeals and determines whether the salary range and wage board grade assignments of those classes should be adjusted.

The Board's report and final compensation plans are submitted to the Legislature for review and approval upon conclusion of the Board's hearings. Funding is not required by the State Legislature.

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 319 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Taniguchi.

SCRep. 1281-94 Housing on H.C.R. No. 421

The purpose of this concurrent resolution is to request the acquisition of the Queen Emma Gardens project through eminent domain and its subsequent management by the Housing Finance and Development Corporation.

Your Committee heard testimony in favor of this concurrent resolution from the Queen Emma Gardens Tenants Association, and testimony in opposition to this concurrent resolution from Hawaiian Trust Company, LTD.

Your Committee noted the following points raised in the ensuing discussion:

- (1) An understanding that with the acquisition comes a need for a financial plan and an appraisal, and
- (2) An understanding that the Queen Emma Gardens project was government-subsidized by 25 years of property tax waivers and \$10,500,000 of HUD mortgage insurance, and
- (3) A request that Hawaiian Trust Company reexamine its policy of what constitutes a "reasonable return" in relationship to the intent of Mr. Black in writing letters to the tenants assuring them that, upon renewal of their leases, their rents would be raised only to cover the costs as they rise and how this is being "narrowly interpreted", and
- (4) That financial institutions be approached for creative financing as part of the Community Reinvestment Act incentives.

Upon further consideration, your Committee has broadened this concurrent resolution by deleting the section which stated that the affordable housing would be for those earning less than eighty percent of the median family income.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 421, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.C.R. No. 421, H.D. 1.

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

SCRep. 1282-94 Housing on H.C.R. No. 443

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to create a residential subdivision for those holding leases from DLNR in Maunalaha, Makiki Heights, on Oahu. DLNR is also requested to exempt the subdivision from State and county laws relating to zoning and construction standards to the extent possible within its authority.

DLNR testified that it did not support the concurrent resolution due to the following reasons:

- (1) DLNR is not empowered to exempt the subdivision from State and county laws, and that only the Legislature has that authority; and
- (2) Funding for the project is necessary for infrastructure improvements to enable the lessees to obtain mortgage loans or build new housing.

Testimony in support of the concurrent resolution was submitted by the Representatives from the 24th and 46th Districts and two individuals. According to the testimony, the Maunalaha lessees have lived in the area for long periods. In some cases, ancestors have lived on the land since the Great Mahele. Many of the lessees do not agree that the land on which they live is owned by the State, but they grudgingly signed leases 11 years ago so that they could continue living there. They are all of Hawaiian ancestry. Of the 30 lessees, to date only two have constructed new homes. The remaining 28 live in substandard housing. While they have incomes, they have not been able to secure loans because the area does not have adequate infrastructure and they do not own the land. Conventional home loans are not available because they cannot offer the land as collateral.

The Maunalaha situation is similar to that of Kahana Valley, where the State has created a residential subdivision and exempted it from State and county land use standards and requirements such as zoning regulations.

Based upon a discussion of the relevant issues, your Committee has determined that DLNR should assume the role as advocate for the Maunalaha lessees to enable them to either improve their existing homes or build new homes. In this role, DLNR should consult with the lessees in developing a plan of action. As such, there should not be any pre-determined course of action, and the residents should participate in any decisions that are made. The subdivision concept suggested by the concurrent resolution should be considered, as well as others made in the course of the hearing, such as making loans available to lessees and exempting construction from State and county land use standards and requirements. Also, since the lessees live in a watershed area, assurances should be provided that any construction is sensitive to the environment.

Based upon these fundamental concerns, your Committee has amended the concurrent resolution as follows:

- (1) Amended the title of the concurrent resolution to read:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP A PLAN, INCLUDING FUNDING PROPOSALS, TO ENABLE THOSE LEASING LAND FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES IN MAUNALAHA, MAKIKI HEIGHTS, ON OAHU, TO IMPROVE THEIR EXISTING HOMES OR TO CONSTRUCT NEW HOMES IN AN ENVIRONMENTALLY SENSITIVE MANNER";
- (2) Added the statement that many families living in Maunalaha have been living in the area for long periods;
- (3) Added the statement that DLNR was authorized to negotiate and enter into long-term residential leases with Maunalaha residents through Act 255, Session Laws of Hawaii 1981;
- (4) Deleted the statement that the State has an interest in creating a subdivision in Maunalaha;
- (5) Added the statement that there are small communities of primarily Hawaiian residents who live in areas which are not appropriate for standard subdivision requirements;
- (6) Added the statement that Milolii has benefited from self-help housing, which has been successful because of an exemption from State and county land use standards and requirements, low-interest loans, and administration of the self-help housing program by an experienced nonprofit organization;
- (7) Added the statement that DLNR has a responsibility for advocating for those Maunalaha residents who have not been able to construct new homes;
- (8) Added the statement that any construction at Maunalaha must be done in an environmentally sensitive manner;
- (9) Directed DLNR to develop a plan in consultation with Maunalaha residents rather than asking DLNR to create a residential subdivision without any such consultation;
- (10) Directed DLNR to consider developing legislative proposals exempting Maunalaha construction from State and county land-use standards and requirements rather than directing DLNR to make the exemptions to the extent possible within its authority;
- (11) Added that the legislation to be considered by DLNR include mechanisms to ensure that construction will be sensitive to the environment and community aesthetics;
- (12) Added that the legislation to be considered by DLNR include a proposed appropriation that is part of its portion of the executive budget, which may include infrastructure improvements, as well as funds for loans to lessees;
- (13) Directed DLNR to discuss with the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands the potential for a cooperative effort;
- (14) Directed DLNR to investigate the reasons that Maunalaha lessees are assessed real property taxes by the City and County of Honolulu on the basis of improved land rather than unimproved land;

- (15) Directed DLNR to submit the plan and progress report to the Legislature prior to the 1995 Regular Session;
- (16) Added other individuals to whom the concurrent resolution is to be transmitted; and
- (17) Made technical, nonsubstantive revisions for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 443, as amended herein, and recommends that it be referred to the Committee on Water and Land Use Planning in the form attached hereto as H.C.R. No. 443, H.D. 1.

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

SCRep. 1283-94 Ocean Recreation and Marine Resources on H.R. No. 211

The purpose of this resolution is to request a study to determine the need for resurfacing the Kahana Bay boat ramp and to determine the need for "breakers" to protect the ramp and its users from high wave surges. It is also concerned with the cause of the damage to the ramp and the construction of one or more breakers to prevent injury to commercial and recreational boaters.

Your Committee on Ocean Recreation and Marine Resources finds that the Kahana Valley boat ramp is in need of repair and poses a potential hazard to commercial and recreational boaters. Questions concerning the ramp are raised as they relate to the reliability of the original construction of the ramp, and the amount of damage that is caused by ocean surges and other natural ocean events.

Supportive testimony was given by the Kahana Ohana Unity Council. The Department of Land and Natural Resources(DLNR) supports the intent of this resolution but believes that the goal can be accomplished without passage, and the Department of Transportation explained that the Kahana Valley boat ramp is under the jurisdiction of DLNR.

Your Committee has amended this measure by:

- (1) Substituting the Department of Land and Natural Resources for the Department of Transportation since the boat ramp at Kahana Valley State Park is under the jurisdiction of the Boating and Ocean Recreation Division of the Department of Land and Natural Resources, and;
- (2) Substituting the word "breakwaters" for "breakers" as this is a more appropriate term for such structures.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 211, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 211, H.D. 1.

Signed by all members of the Committee except Representatives Amaral, Hirono and Tajiri.

SCRep. 1284-94 Ocean Recreation and Marine Resources on H.C.R. No. 220

The purpose of this concurrent resolution is to request a study to determine the need for resurfacing the Kahana Bay boat ramp and to determine the need for "breakers" to protect the ramp and its users from high wave surges. It is also concerned with the cause of the damage to the ramp and the construction of one or more breakers to prevent injury to commercial and recreational boaters.

Your Committee on Ocean Recreation and Marine Resources finds that the Kahana Valley boat ramp is in need of repair and poses a potential hazard to commercial and recreational boaters. Questions concerning the ramp are raised as they relate to the reliability of the original construction of the ramp, and the amount of damage that is caused by ocean surges and other natural ocean events.

Supportive testimony was given by the Kahana Ohana Unity Council. The Department of Land and Natural Resources(DLNR) supports the intent of this concurrent resolution but believes that the goal can be accomplished without passage, and the Department of Transportation explained that the Kahana Valley boat ramp is under the jurisdiction of DLNR.

Your Committee has amended this measure by:

- (1) Substituting the Department of Land and Natural Resources for the Department of Transportation since the boat ramp at Kahana Valley State Park is under the jurisdiction of the Boating and Ocean Recreation Division of the Department of Land and Natural Resources, and;
- (2) Substituting the word "breakwaters" for "breakers" as this is a more appropriate term for such structures.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 220, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 220, H.D. 1.

Signed by all members of the Committee except Representatives Amaral, Hirono and Tajiri.

SCRep. 1285-94 Transportation on H.R. No. 304

The purpose of this resolution is to request the Department of Transportation to conduct a study to determine the need for seatbelts and other safety requirements for school buses.

Your Committee recognizes the need to address the safety of school buses due to the potential for future accidents which may result in serious injury to children.

Your Committee received testimony from the Department of Transportation, the Department of Education, and various concerned citizens.

Your Committee has amended this resolution to require the Legislative Reference Bureau rather than the Department of Transportation to determine the need for seatbelts and other safety requirements for school buses.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 304, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 304, H.D. 1.

Signed by all members of the Committee except Representatives Hagino and Ward.

SCRep. 1286-94 Transportation on H.C.R. No. 339

The purpose of this concurrent resolution is to request the Department of Transportation to conduct a study to determine the need for seatbelts and other safety requirements for school buses.

Your Committee recognizes the need to address the safety of school buses due to the potential for future accidents which may result in serious injury to children.

Your Committee received testimony from the Department of Transportation, the Department of Education, and various concerned citizens.

Your Committee has amended this concurrent resolution to require the Legislative Reference Bureau rather than the Department of Transportation to determine the need for seatbelts and other safety requirements for school buses.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 339, 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. 339, H.D. 1.

Signed by all members of the Committee except Representatives Hagino and Ward.

SCRep. 1287-94 Transportation on H.R. No. 335

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study on the impact of the University of Hawaii at Manoa commuter traffic on morning peak hour congestion on the island of Oahu.

Your Committee finds that numerous studies have been conducted which address the problem of traffic congestion. Your Committee finds that the studies which include the issue of school-related traffic conditions have found that a noticeable reduction in congestion occurs when schools are not in session.

Your Committee finds that the majority of the University of Hawaii at Manoa (UHM) students commute during peak traffic periods due to the fact that the majority of core classes are offered during the morning hours; the centralization of the University's Arts and Sciences Department; the "first-come, first-served" parking atmosphere; the high cost of living in the State which requires students to work; and, the lack of available on-campus housing. Your Committee finds that it is necessary to conduct a comprehensive study to specifically address these concerns and to seek a variety of alternatives to alleviate traffic congestion during peak travel periods.

Your Committee received testimony from the Oahu Metropolitan Planning Organization, Leeward Oahu Transportation Management Association, and the University of Hawaii.

Your Committee has amended this resolution by:

- (1) Requesting that the Legislative Reference Bureau (LRB) consult the University of Hawaii at Manoa and the Department of Transportation during its performance of the study;
- (2) Requesting the LRB to include in its study, a review of any UHM administrative policies which favor faculty preferences for morning classes, and to compare these policies with the system's other campuses such as the University of Hawaii-West Oahu; and
- (3) Various technical and non-substantive changes for the purpose of style and clarity.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 335, as amended herein, and recommends that it be referred to the Committee on Higher Education and the Arts in the form attached hereto as H.R. No. 335, H.D. 1.

Signed by all members of the Committee except Representatives Hagino and Ward.

SCRep. 1288-94 Transportation on H.C.R. No. 387

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study on the impact of the University of Hawaii at Manoa commuter traffic on morning peak hour congestion on the island of Oahu.

Your Committee finds that numerous studies have been conducted which address the problem of traffic congestion. Your Committee finds that the studies which include the issue of school-related traffic conditions have found that a noticeable reduction in congestion occurs when schools are not in session.

Your Committee finds that the majority of University of Hawaii at Manoa (UHM) students commute during peak traffic periods due to the fact that the majority of core classes are offered during the morning hours; the centralization of the University's Arts and Sciences Department; the "first-come, first-served" parking atmosphere; the high cost of living in the State which requires students to work; and, the lack of available on-campus housing. Your Committee finds that it is necessary to conduct a comprehensive study to specifically address these concerns and to seek a variety of alternatives to alleviate traffic congestion during peak travel periods.

Your Committee received testimony from the Oahu Metropolitan Planning Organization, Leeward Oahu Transportation Management Association, and the University of Hawaii.

Your Committee has amended this concurrent resolution by:

- (1) Requesting the Legislative Reference Bureau (LRB) consult the University of Hawaii at Manoa and the Department of Transportation during its performance of the study;
- (2) Requesting the LRB to include in its study, a review of any UHM administrative policies which favor faculty preferences for morning classes, and to compare these policies with the system's other campuses such as the University of Hawaii-West Oahu; and
- (3) Various technical and non-substantive changes for the purpose of style and clarity.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 387, as amended herein, and recommends that it be referred to the Committee on Higher Education and the Arts in the form attached hereto as H.C.R. No. 387, H.D. 1.

Signed by all members of the Committee except Representatives Hagino and Ward.

SCRep. 1289-94 Housing and Human Services on H.C.R. No. 465

The purpose of this concurrent resolution is to request county and state agencies responsible for land use, planning, zoning, and building permitting to include special needs housing as part of planned developments.

Your Committees heard testimony in favor of this concurrent resolution from several individuals.

Based upon that testimony and the following discussion, your Committees have amended the concurrent resolution to request that the general plans of the counties be amended to include 2% of housing in large regions be for special needs based on present existence and projected requirements for special needs housing and that state agencies responsible for land use, planning, and zoning large tracts of lands include the 2% requirement for special needs housing.

As affirmed by the records of votes of the members of your Committees on Housing and Human Services that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 465, as amended herein, and recommend that it be referred to the Committee on Water and Land Use Planning in the form attached hereto as H.C.R. No. 465, H.D. 1.

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

SCRep. 1290-94 Education on H.R. No. 255

The purpose of this resolution is to request the Housing Finance and Development Corporation (HFDC), in cooperation with the Department of Education (DOE), to determine the feasibility of allowing HFDC to construct schools for the DOE in communities that HFDC is developing or financing.

Testimony in support of this measure was received from the Department of Education.

This measure has been amended by including the Department of Accounting and General Services as one of the departments which will determine the feasibility of the arrangement.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 255, as amended herein, and recommends that it be referred to the Committee on Housing in the form attached hereto as H.R. No. 255, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Hagino, Isbell, Lee and Shon.
(Representative M. Ige voted no.)

SCRep. 1291-94 Education on H.C.R. No. 226

The purpose of this concurrent resolution is to request the Housing Finance and Development Corporation (HFDC), in cooperation with the Department of Education (DOE), to determine the feasibility of allowing HFDC to construct schools for the DOE in communities that HFDC is developing or financing.

Testimony in support of this measure was received from the Department of Education.

This measure has been amended by including the Department of Accounting and General Services as one of the departments which will determine the feasibility of the arrangement.

As affirmed by the records of votes of the members of your Committee on Education that are attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 226, as amended herein, and recommends that it be referred to the Committee on Housing in the form attached hereto as H.C.R. No. 226, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Hagino, Isbell, Lee and Shon.
(Representative M. Ige voted no.)

SCRep. 1292-94 Education on H.C.R. No. 266

The purpose of this concurrent resolution is to have the Office of the Legislative Auditor perform a sunrise review of the regulation of private schools.

Testimony in support of this measure was received from the Department of Education and the Hawaii Association of Independent Schools.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 266 and recommends that it be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee except Representatives Apo, Hagino, Isbell, Lee and Shon.

SCRep. 1293-94 Education on H.C.R. No. 21

The purpose of this resolution is to create a framework for an optimal early childhood education and care system for Hawaii.

Testimony in support of this measure was received from the Department of Education, the University of Hawaii's Community Colleges, the Office of Children and Youth, the Hawaii Business Roundtable, and the Hawaii Community Foundation.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 21, H.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Apo, Hagino, Isbell, Lee and Shon.

SCRep. 1294-94 Ocean Recreation and Marine Resources on H.R. No. 227

The purpose of this House resolution is to determine the feasibility of establishing saltwater recreational fishing licenses.

Your Committee on Ocean Recreation and Marine Resources finds that, with few exceptions, Hawaii's fisheries resources are being overexploited, and that data to make better management decisions to conserve our aquatic resources are incomplete or lacking.

Your Committee further finds that the State regulates recreational freshwater fishing through licensing, but that such licensing is not required for saltwater recreational fishing. It is recognized that licensing of saltwater recreational fishers would increase the amount of funds available for a long-term commitment to fisheries projects, as well as contribute to statistical data to help determine the stability of our saltwater aquatic resources.

This House resolution requests the Department of Land and Natural Resources to study the feasibility of establishing saltwater fishing licenses to determine the numbers and types of saltwater recreational fishers, their impacts on aquatic resources, and to conduct public hearings to discuss relevant issues.

The Department of Land and Natural Resources testified that the proposal for a saltwater licensing system would carry out the purpose of this measure, but opposed its passage. Reasons stated for opposition were cited as being: the need to resolve the Constitutional issue of free access to the ocean's waters; the cost to saltwater recreational fishers; that additional Federal funds would not be available; and the State's fiscal condition warrants against proceeding with this project.

Supportive testimonies were received from Sea Life Park Hawaii; the Western Pacific Regional Fishery Management Council; and the Maui County Aquatic Life and Wildlife Advisory Committee. It was pointed out that the Department must have this information in order to develop sound management guidelines and long-range plans.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 227 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Amaral, Herkes and Tajiri.

SCRep. 1295-94 Ocean Recreation and Marine Resources on H.C.R. No. 245

The purpose of House Concurrent Resolution No. 245 is to determine the feasibility of establishing saltwater recreational fishing licenses.

Your Committee on Ocean Recreation and Marine Resources finds that, with few exceptions, Hawaii's fishery resources are being overexploited, and that data to make better management decisions to conserve our aquatic resources are incomplete or lacking.

Your Committee further finds that the State regulates recreational freshwater fishing through licensing, but that such licensing is not required for saltwater recreational fishing. It is recognized that licensing of saltwater recreational fishers would increase the amount of funds available for a long-term commitment to fisheries projects, as well as contribute to statistical data to help determine the stability of our saltwater aquatic resources.

This House Concurrent Resolution requests the Department of Land and Natural Resources to study the feasibility of establishing saltwater fishing licenses to determine the numbers and types of saltwater recreational fishers, their impacts on aquatic resources, and to conduct public hearings to discuss relevant issues.

The Department of Land and Natural Resources testified that the proposal for a saltwater licensing system would carry out the purpose of the measure, but opposed its passage. Reasons stated for opposition were cited as being: the need to resolve the Constitutional issue of free access to the ocean's waters; the cost to saltwater recreational fishers; that additional Federal funds would not be available; and the State's fiscal condition warrants against proceeding with this project.

Supportive testimonies were received from Sea Life Park Hawaii; the Western Pacific Regional Fishery Management Council; and the Maui County Aquatic Life and Wildlife Advisory Committee. It was pointed out that the Department must have this information in order to develop sound management guidelines and long-range plans.

As affirmed by the records of votes of the members of your Committee on Ocean Recreation and Marine Resources that are attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 245 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Amaral, Herkes and Tajiri.

SCRep. 1296-94 Ocean Recreation and Marine Resources on H.R. No. 306

The purpose of this House resolution is to request the development of a plan and proposed legislation to improve management and enforcement of gill net fishing practices.

Your Committee on Ocean Recreation and Marine Resources finds that the indiscriminate use of gill nets has removed large numbers of fish from the nearshore ecosystem, seriously depleting nearshore fishery resources.

Your Committee further finds that the Department of Land and Natural Resources, (Department), submitted an assessment of the impact of nearshore gill netting on Hawaii's fisheries in 1992, together with recommendations which have not been implemented.

This House resolution requests the Department to convene a Task Force to submit recommendations and proposed legislation to complete efforts to regulate, control, or restrict the use of gill nets for consideration during the 1995 legislative session. The Task Force is to make a special effort to include gill netters and other fishers in the development of its recommendations and proposed legislation, as well as facilitate informed dialogue among divergent viewpoints, and to encourage progress toward consensus. A recommended composition of Task Force members and proposed parameters for the study are include in this measure.

The Department testified that House Resolution No. 306 and House Concurrent Resolution No. 342 are premature and it cannot support them at this time. The Department cited the need for legal authority to fund the Task Force, the lack of funding in the current budget, and the desire to evaluate steps already taken as reasons to delay action on this request.

Sea Life Park Hawaii and the Hawaii Chapter of the American Fisheries Society testified in support of this measure.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 306 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Amaral, Herkes and Tajiri.

SCRep. 1297-94 Ocean Recreation and Marine Resources on H.C.R. No. 342

The purpose of this House concurrent resolution is to request the development of a plan and proposed legislation to improve management and enforcement of gill net fishing practices.

Your Committee on Ocean Recreation and Marine Resources finds that the indiscriminate use of gill nets has removed large numbers of fish from the nearshore ecosystem, seriously depleting nearshore fishery resources.

Your Committee further finds that the Department of Land and Natural Resources, (Department), submitted an assessment of the impact of nearshore gill netting on Hawaii's fisheries in 1992, together with recommendations which have not been implemented.

This House concurrent resolution requests the Department to convene a Task Force to submit recommendations and proposed legislation to complete efforts to regulate, control, or restrict the use of gill nets for consideration during the 1995 legislative session. The Task Force is to make a special effort to include gill netters and other fishers in the development of its recommendations and proposed legislation, as well as to facilitate informed dialogue among divergent viewpoints, and to encourage progress towards consensus. A recommended composition of Task Force members and proposed parameters for the study are included in this measure.

The Department testified that House Concurrent Resolution No. 342 and House Resolution No. 306 are premature and it cannot support them at this time. The Department cited the need for legal authority to fund the Task Force, the lack of funding in the current budget, and the desire to evaluate steps already taken as reasons to delay action on this request.

Sea Life Park Hawaii and the Hawaii Chapter of the American Fisheries Society testified in support of this measure.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 342 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Amaral, Herkes and Tajiri.

SCRep. 1298-94 Ocean Recreation and Marine Resources on H.R. No. 325

The purpose of this House resolution is to request the Department of Land and Natural Resources, (Department), along with the Western Pacific Regional Fishery Management Council and National Marine Fisheries Service, to form a Task Force which will develop effective management measures to restore and protect Hawaii's bottomfish resources.

Your Committee on Ocean Recreation and Marine Resources finds that there is an urgent need for conservation and management measures to prevent further depletion of valuable bottomfish resources. Your Committee further finds that scientific data to develop indicators of overfishing by commercial fishers is incomplete, and that such data is entirely lacking for recreational and subsistence fishing.

Your Committee further finds that the State is responsible for the protection, restoration, and allocation of Hawaii's marine resources within three miles of shore, the area in which eighty per cent of bottomfish are found. Therefore, any management action taken by the Western Pacific Regional Fishery Management Council for the remaining twenty per cent of bottomfish without complementary action by the State would be ineffective. The Department has been reluctant to take management action to prevent further decline of the bottomfish fishery, citing a lack of objective evidence to demonstrate a need for stricter regulations and enforcement measures.

Your Committee also finds that the Aquatic Resources Division's operating budget in the Department of three million dollars, of which one million is allocated for commercial fisheries management, seems inadequate when measured against the return on investment potential of Hawaii's commercial fishery, provided that proper levels of funding are made available to the division in future years, an assumption which should be noted.

The Task Force established by this House resolution will submit a comprehensive management plan for preservation of certain bottomfish that are in danger of being overfished, including, but not limited to onaga and opakapaka.

The Department opposed this measure, citing as reasons for its opposition that much more information is required before a comprehensive management plan can be developed, that legislation is needed to establish the legality of funding the Task Force, and that the State's fiscal condition does not warrant the necessary expenditures.

Testimonies in favor of this House resolution were heard from an aquatic biologist, the Western Pacific Regional Fishing Management Council, and interested citizens. It was pointed out that data concerning recreational and subsistence bottom fishing is essential, and that people engaged in fishing like the Task Force concept, rather than having regulations mandated by the administration without their involvement.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 325 and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs.

Signed by all members of the Committee except Representatives Amaral, Herkes and Tajiri.

SCRep. 1299-94 Ocean Recreation and Marine Resources on H.C.R. No. 389

The purpose of this House concurrent resolution is to request the Department of Land and Natural Resources, (Department), along with the Western Pacific Regional Fishery Management Council and National Marine Fisheries Service, to form a Task Force which will develop effective management measures to restore and protect Hawaii's bottomfish resources.

Your Committee on Ocean Recreation and Marine Resources finds that there is an urgent need for conservation and management measures to prevent further depletion of valuable bottomfish resources. Your Committee further finds that scientific data to develop indicators of overfishing by commercial fishers is incomplete, and that such data is entirely lacking for recreational and subsistence fishing.

Your Committee further finds that the State is responsible for the protection, restoration, and allocation of Hawaii's marine resources within three miles of shore, the area in which eighty per cent of bottomfish are found. Therefore, any management action taken by the Western Pacific Regional Fishery Management Council for the remaining twenty per cent of bottomfish without complementary action by the State would be ineffective. The Department has been reluctant to take management action to prevent further decline of the bottomfish fishery, citing a lack of objective evidence to demonstrate a need for stricter regulations and enforcement measures.

Your Committee also find that the Aquatic Resources Division's budget in the Department of three million dollars, of which one million is allocated for commercial fisheries management, seems inadequate when measured against the return on investment potential of Hawaii's commercial fishery, provided that proper levels of funding are made available to the division in future years, an assumption that should be noted.

The Task Force established by this House concurrent resolution will submit a comprehensive management plan for preservation of certain bottomfish that are in danger of being overfished, including, but not limited to onaga and opakapaka.

The Department opposed this measure, citing as reasons for its opposition that much more information is needed before a comprehensive management plan can be developed, that legislation is needed to establish the legality of funding the Task Force, and that the State's fiscal condition does not warrant the necessary expenditures.

Testimonies in favor of this House concurrent resolution were heard from an aquatic biologist, the Western Pacific Regional Fishery Management Council, and interested citizens. It was pointed out that data concerning recreational and subsistence bottom fishing is essential, and that people engaged in fishing like the Task Force concept, rather than having regulations mandated by the administration without their involvement.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 389 and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs.

Signed by all members of the Committee except Representatives Amaral, Herkes and Tajiri.

SCRep. 1300-94 Ocean Recreation and Marine Resources on H.R. No. 257

The purpose of this House resolution, as received by your Committee, is to enhance protection and recovery of green and hawksbill turtles in Hawaii's waters through better protection of their nesting and foraging habitats.

Your Committee on Ocean Recreation and Marine Resources finds that the green sea turtle is listed as threatened and the hawksbill turtle as endangered by the state and federal governments. Despite being protected by law, Hawaii's sea turtles continue to face serious threats to their survival, including disease, disturbances to nesting habitats, and encroachments on their forage areas.

Your Committee further finds that many agencies are involved in the protection of sea turtles, but that no single party is currently ensuring that sea turtles are actively protected and

This measure requests the Department of Land and Natural Resources, (Department), to collaborate with other designated agencies and individuals to develop effective means by which nesting beaches and foraging areas can be managed and protected so as to promote the survival and recovery of green and hawksbill turtles.

The Department testified in support of the purpose of this House resolution, but felt that it wasn't needed, since the collaboration called for is being carried out under federal government authority and lead, and that protection and recovery efforts are being implemented within the limits of present resources.

Supportive testimonies were heard from Sea Life Park Hawaii, Hawaii Audubon Society, Life of the Land, the Sierra Club, Hawaii Chapter, the Sierra Club Legal Defense Fund, Inc., and the Honu Project. The Honu Project, an organization dedicated to the preservation of sea turtles throughout the world, testified that attention must be given to the disease, fibropapilloma, as another important threat to the survival of green sea turtles.

Your Committee has amended this measure by including the disease, fibropapilloma, along with disturbances to nesting habitats and encroachments on forage areas, as an additional threat to sea turtles.

Your Committee has further amended this House resolution by making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 257, as amended herein, and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs in the form attached hereto as H.R. No. 257, H.D. 1.

Signed by all members of the Committee except Representatives Amaral, Hirono and Tajiri.

SCRep. 1301-94 Ocean Recreation and Marine Resources on H.C.R. No. 272

The purpose of this House concurrent resolution, as received by your Committee, is to enhance protection and recovery of green and hawksbill turtles in Hawaii's waters through better protection of their nesting and foraging habitats.

Your Committee on Ocean Recreation and Marine Resources finds that the green sea turtle is listed as threatened and the hawksbill turtle as endangered by the state and federal governments. Despite being protected by law, Hawaii's sea turtles continue to face serious threats to their survival, including disease, disturbances to nesting habitats, and encroachments on their forage areas.

Your Committee further finds that many agencies are involved in the protection of sea turtles, but that no single party is currently ensuring that sea turtles are actively protected and managed.

This measure requests the Department of Land and Natural Resources, (Department), to collaborate with other designated agencies and individuals to develop effective means by which nesting beaches and foraging areas can be managed and protected so as to promote the survival and recovery of green and hawksbill turtles.

The Department testified in support of the purpose of this measure, but felt that it wasn't needed, since the collaboration called for is being carried out under federal government authority and lead, and that protection and recovery efforts are being implemented within the limits of present resources.

Supportive testimonies were heard from Sea Life Park Hawaii, Hawaii Audubon Society, Life of the Land, the Sierra Club, Hawaii Chapter, the Sierra Club Legal Defense Fund, Inc., and the Honu Project. The Honu Project, an organization dedicated to the preservation of sea turtles throughout the world, testified that attention must be given to the disease, fibropapilloma, as another important threat to the survival of green sea turtles.

Your Committee has amended this measure by including the fatal disease called fibropapilloma, along with disturbances to nesting habitats and encroachments on forage areas, as an additional threat to sea turtles.

Your Committee has further amended this House concurrent resolution by making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.C.R. No. 272, as amended herein, and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs in the form attached as H.C.R. No. 272, H.D.1.

Signed by all members of the Committee except Representatives Amaral, Hirono and Tajiri.

SCRep. 1302-94 Ocean Recreation and Marine Resources on H.R. No. 149

The purpose of this House resolution is to request a study of the behavior, movements, and activities of sharks found in Hawaiian waters in order to gather data for determining appropriate steps for reducing the incidence of shark attacks without adversely affecting the State's marine ecosystem.

Your Committee on Ocean Recreation and Marine Resources finds that there has been an increase in the reported incidence of shark attacks during recreational uses of the ocean in recent years. Your Committee recognizes that a continued increase in publicized shark attacks would have a drastic impact on the tourist industry, negatively affecting the State's economy.

Attempts to remedy the outbreaks of shark attacks by killing some of them have not been effective, and unknown ecological effects of this practice may damage Hawaii's marine ecosystem without reducing the probability of shark attacks, nor does it offer any long-term solution to the problem.

Your Committee also finds that there is insufficient data about the behavior, diet, movements, and activities of sharks to determine the best measures for reducing shark attacks.

This measure proposes to have the Department of Land and Natural Resources, convene a Shark Research Committee to undertake a comprehensive study of sharks in Hawaiian waters to include activity patterns, population dynamics, normal feeding behaviors, biology, and reproduction patterns in order to provide policy makers and the public with a better understanding of these ocean inhabitants. Initial research is to be directed at the tiger shark, with particular attention to acoustic telemetry, dart tag study, reproductive biology, and genetic population boundary.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 149 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Amaral, Herkes and Tajiri.

SCRep. 1303-94 Ocean Recreation and Marine Resources on H.C.R. No. 158

The purpose of this House concurrent resolution is to request a study of the behavior, movements, and activities of sharks found in Hawaiian waters in order to gather data to determine appropriate steps for reducing the incidence of shark attacks without adversely affecting the State's marine ecosystem.

Your Committee on Ocean Recreation and Marine Resources finds that there has been an increase in the reported incidence of shark attacks during recreational uses of the ocean in recent years. Your Committee recognizes that a continued increase in publicized shark attacks would have a drastic impact on the tourist industry, negatively affecting the State's economy.

Attempts to remedy the outbreaks of shark attacks by killing some of them have not been effective, and unknown ecological effects of this practice may damage Hawaii's marine ecosystem without reducing the probability of shark attacks, nor does it offer any long-term solution to the problem.

Your Committee also finds that there is insufficient data about the behavior, diet, movements, and activities of sharks to determine the best measures for reducing shark attacks.

This measure proposes to have the Department of Land and Natural Resources, convene a Shark Research Committee to undertake a comprehensive study of sharks in Hawaiian waters to include activity patterns, population dynamics, normal feeding behaviors, biology, and reproduction patterns in order to provide policy makers and the public with a better understanding of these ocean inhabitants. Initial research is to be directed at the tiger shark, with particular attention to acoustic telemetry, dart tag study, reproductive biology, and genetic population boundary.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 158 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Amaral, Herkes and Tajiri.

SCRep. 1304-94 Ocean Recreation and Marine Resources on H.R. No. 333

The purpose of this House resolution is to emphasize the importance of protecting the State's coral reef ecosystem.

Your Committee on Ocean Recreation and Marine Resources finds that coral reefs are vital economic resources for Hawaii, providing the bases for subsistence, commercial fisheries, and marine tourism, as well as the physical protection of the shorelines and coastal areas.

Your Committee recognizes that due to its geographic isolation and coastal economic focus, Hawaii is particularly vulnerable to the threats of marine pollution, species extinction, resource depletion and economic hardship associated with coral reef degradation.

In this House resolution, the Legislature recognizes the importance of protecting Hawaii's coral reef ecosystem by supporting federal legislation which promotes local, national, and international initiatives for preserving, restoring, and preventing damage to coral reef ecosystems.

Supportive testimonies were heard from the Office of State Planning; Sierra Club, Hawaii Chapter; Hawaii Audubon Society; Life of the Land; the Marine Option Program, University of Hawaii; Save Our Surf; Department of Geography, University of Hawaii; and the National Marine Committee, Sierra Club.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 333 and recommends its adoption.

Signed by all members of the Committee except Representatives Amaral, Hirono and Tajiri.

SCRep. 1305-94 Ocean Recreation and Marine Resources on H.C.R. No. 379

The purpose of this House concurrent resolution is to emphasize the importance of protecting the State's coral reef ecosystem.

Your Committee on Ocean Recreation and Marine Resources finds that coral reefs are vital economic resources for Hawaii, providing the bases for subsistence, commercial fisheries, and marine tourism, as well as the physical protection of the shorelines and coastal areas.

Your Committee further finds that the enemies of coral reefs, including nutrients, silt, and organic matter from agriculture; inadequately-treated sewage effluent; chemical pollution from industrial and farm operations; oil spills; pollution from commercial ships and fishing boats; ocean dumping of waste; overfishing and destructive fishing practices; coral mining; and collisions of ocean vessels and grounding of vessels are causing substantial rates of coral death and reef habitat loss.

Your Committee recognizes that due to its geographic isolation and coastal economic focus, Hawaii is particularly vulnerable to the threats of marine pollution, species extinction, resource depletion, and economic hardship associated with coral reef degradation.

In this House concurrent resolution, the Legislature recognizes the importance of protecting Hawaii's coral reef ecosystem by supporting federal legislation which promotes local, national, and international initiatives for preserving, restoring, and preventing damage to coral reef ecosystems.

Supportive testimonies were heard from the Office of State Planning; Sierra Club, Hawaii Chapter; Hawaii Audubon Society; Life of the Land; the Marine Option Program, University of Hawaii; Save Our Surf; Department of Geography, University of Hawaii; and the National Marine Committee, Sierra Club.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 379 and recommends its adoption.

Signed by all members of the Committee except Representatives Amaral, Hirono and Tajiri.

SCRep. 1306-94 Housing; Human Services; and Health on H.C.R. No. 377

The purpose of this concurrent resolution is to request the Assisted Living Community Task Force to prepare recommendations and a report on proposed housing as developed from a conference held to explore assisted living housing for seniors.

Your Committees heard testimony in favor of this concurrent resolution from many government and private organizations which are concerned with housing and care for the elderly. There was a consensus that something needs to be done to explore options on the issues of housing and care for the elderly.

The Assisted Living Community Task Force was requested to include in its report possible adaptation of the assisted living demonstration project in Oregon, to explore the possibility of obtaining a Medicaid waiver for Hawaii similar to the one used by Oregon, to look at the regulations that govern care of the elderly and explore the possibility of self regulation for elderly care facilities.

Your Committees, upon further consideration, have amended this concurrent resolution to reflect the idea that the supply of nursing home beds in Hawaii is not likely to improve in the near future.

As affirmed by the records of votes of the members of your Committees on Housing; Human Services; and Health that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 377, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 377, H.D. 1.

Signed by all members of the Committees except Representatives Kawakami, Peters and White.

SCRep. 1307-94 Health on H.R. No. 282

The purpose of this resolution is to urge the University of Hawai'i to establish a physician assistant program at the School of Public Health.

Testimonies in support of the measure were received from the University of Hawai'i, School of Public Health and the Hawaii Academy of Physician Assistants.

It was noted by your Committee that in conjunction with national health care reform, there has been an increase in demands for providers of primary health care services. Your Committee further notes that various populations, including those that are disadvantaged or in rural settings, would greatly benefit from such a program by receiving quality primary care from physician assistants.

After careful consideration, your Committee has amended this resolution by adding language that made it clearer that a physician assistant is under the supervision of a physician and not performing functions as a separate entity. Other technical non-substantive amendments were made for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 282, as amended herein, and recommends that it be referred to the Committee on Higher Education and the Arts in the form attached hereto as H.R. No. 282, H.D. 1.

Signed by all members of the Committee except Representatives Chun and Kawakami.

SCRep. 1308-94 Health on H.C.R. No. 314

The purpose of this concurrent resolution is to urge the University of Hawai'i to establish a physician assistant program at the School of Public Health.

Testimonies in support of the measure were received from the University of Hawai'i, School of Public Health and the Hawaii Academy of Physician Assistants.

It was noted by your Committee that in conjunction with national health care reform, there has been an increase in demands for providers of primary health care services. Your Committee further notes that various populations, including those that are disadvantaged or in rural settings, would greatly benefit from such a program by receiving quality primary care from physician assistants.

After careful consideration, your Committee has amended this resolution by adding language that made it clearer that a physician assistant is under the supervision of a physician and not performing functions as a separate entity. Other technical non-substantive amendments were made for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 314, as amended herein, and recommends that it be referred to the Committee on Higher Education and the Arts in the form attached hereto as H.C.R. No. 314, H.D. 1.

Signed by all members of the Committee except Representatives Chun and Kawakami.

SCRep. 1309-94 Health on H.R. No. 222

This resolution proposes to request the Department of Accounting and General Services to clean all air-condition filters in State buildings on a regular basis.

Testimonies in support of the intent of this measure were received from the Department of Health and the Department of Accounting and General Services (DAGS).

It was understood by your Committee that poor indoor air quality within fully enclosed, air conditioned buildings can critically impact its occupants. Such health problems as a runny nose, headaches, and irritated eyes result from poor indoor air quality. These health problems then lead to reduced work production due to high absenteeism.

Furthermore, your Committee understands that bacteria and microorganisms, such as fungi, as well as dust and other contaminants are associated with inadequate and poorly maintained air conditioning and ventilation systems. Subsequently, the occupants of such a building have the possibility of getting "sick building syndrome", an identified indoor air quality problem.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 222 and recommends that it be referred to the Committee on Energy and Environmental Protection.

Signed by all members of the Committee except Representatives Arakaki, Kawakami and Tanimoto.

SCRep. 1310-94 Health on H.C.R. No. 239

This concurrent resolution proposes to request the Department of Accounting and General Services to clean all air-condition filters in State buildings on a regular basis.

Testimonies in support of the intent of this measure were received from the Department of Health and the Department of Accounting and General Services (DAGS).

It was understood by your Committee that poor indoor air quality within fully enclosed, air conditioned buildings can critically impact its occupants. Such health problems as a runny nose, headaches, and irritated eyes result from poor indoor air quality. These health problems then lead to reduced work production due to high absenteeism.

Furthermore, your Committee understands that bacteria and microorganisms, such as fungi, as well as dust and other contaminants are associated with inadequate and poorly maintained air conditioning and ventilation systems. Subsequently, the occupants of such a building have the possibility of getting "sick building syndrome", an identified indoor air quality problem.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 239 and recommends that it be referred to the Committee on Energy and Environmental Protection.

Signed by all members of the Committee except Representatives Arakaki, Kawakami and Tanimoto.

SCRep. 1311-94 Higher Education and the Arts and Hawaiian Affairs on H.R. No. 133

The purpose of this resolution is to request the Legislative Auditor to conduct a financial and management audit relating to assistance for the King Kamehameha Celebration Commission.

Your Committees received testimony in support of this resolution from the King Kamehameha Celebration Commission, the Office of Hawaiian Affairs, the Association of Hawaiian Civic Clubs, and the Department of Business, Economic Development, and Tourism (DBEDT).

Your Committees acknowledge the celebration of King Kamehameha's birthday through various cultural activities is important in commemorating the legacy of Hawaii's greatest hero and warrior, and promoting heightened cultural

awareness, as well as promoting tourism in the State of Hawaii. Therefore, your Committees agree that the Legislative Auditor should also examine the feasibility of regulated funding from the DBEDT to be allocated for the purpose of the King Kamehameha Celebration Commission.

Your Committees have amended this resolution as follows:

- (1) Amending the first "BE IT RESOLVED" clause on page 1 by deleting the word "better" from line 35 and rephrasing the paragraph to reflect that the audit be conducted in the interests of promoting tourism and heightened cultural awareness through the King Kamehameha Celebration Commission; and
- (2) Making technical and nonsubstantive amendments for purposes of style, consistency, and clarity.

As affirmed by the records of votes of the members of your Committees on Higher Education and the Arts and Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 133, as amended herein, and recommend that it be referred to the Committee on Tourism in the form attached hereto as H.R. No. 133, H.D. 1.

Signed by all members of the Committees except Representatives Chumbley, Duldulao, Ihara, Okamura, Shon, Takumi, Taniguchi and Yonamine.

SCRep. 1312-94 Higher Education and the Arts and Hawaiian Affairs on H.C.R. No. 144

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a financial and management audit relating to assistance for the King Kamehameha Celebration Commission.

Your Committees received testimony in support of this concurrent resolution from the King Kamehameha Celebration Commission, the Office of Hawaiian Affairs, the Association of Hawaiian Civic Clubs, and the Department of Business, Economic Development, and Tourism (DBEDT).

Your Committees acknowledge the celebration of King Kamehameha's birthday through various cultural activities is important in commemorating the legacy of Hawaii's greatest hero and warrior, and promoting heightened cultural awareness, as well as promoting tourism in the State of Hawaii. Therefore, your Committees agree that the Legislative Auditor should also examine the feasibility of regulated funding from the DBEDT to be allocated for the purpose of the King Kamehameha Celebration Commission.

Your Committees have amended this concurrent resolution as follows:

- (1) Amending the first "BE IT RESOLVED" clause on page 1 by deleting the word "better" from line 35 and rephrasing the paragraph to reflect that the audit be conducted in the interests of promoting tourism and heightened cultural awareness through the King Kamehameha Celebration Commission; and
- (2) Making technical and nonsubstantive amendments for purposes of style, consistency, and clarity.

As affirmed by the records of votes of the members of your Committees on Higher Education and the Arts and Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 144, as amended herein, and recommend that it be referred to the Committee on Tourism in the form attached hereto as H.C.R. No. 144, H.D. 1.

Signed by all members of the Committees except Representatives Chumbley, Duldulao, Ihara, Okamura, Shon, Takumi, Taniguchi and Yonamine.

SCRep. 1313-94 Hawaiian Affairs and Higher Education and the Arts on H.R. No. 127

The purpose of this resolution is to request the University of Hawaii to study the feasibility of establishing an exchange program with students of Hawaiian ancestry born or raised on the continental United States.

Your Committees received testimony in support of this measure from the University of Hawaii, the Association of Hawaiian Civic Clubs, and the Office of Hawaiian Affairs.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Higher Education and the Arts that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 127 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Chumbley, Duldulao, Ihara, Okamura, Shon, Takumi, Taniguchi and Yonamine.

SCRep. 1314-94 Hawaiian Affairs and Higher Education and the Arts on H.C.R. No. 140

The purpose of this concurrent resolution is to request the University of Hawaii to study the feasibility of establishing an exchange program with students of Hawaiian ancestry born or raised on the continental United States.

Your Committees received testimony in support of this measure from the University of Hawaii, the Association of Hawaiian Civic Clubs, and the Office of Hawaiian Affairs.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Higher Education and the Arts that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 140 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Chumbley, Duldulao, Ihara, Okamura, Shon, Takumi, Taniguchi and Yonamine.

SCRep. 1315-94 Hawaiian Affairs on H.C.R. No. 166

The purpose of this concurrent resolution is to authorize the Department of Land and Natural Resources to regulate and oversee the development and restoration of Hawaiian loko i'a in an effort to streamline and help identify a process for bringing these historic resources back into full productivity.

Testimony in support of this concurrent resolution was provided by the Department of Land and Natural Resources (DLNR), The Association of Hawaiian Civic Clubs, and Ka Lahui Hawai'i Political Action Committee (KPAC), and other concerned citizens.

Based upon the consideration of your Committee, this concurrent resolution has been amended by including an additional section to the second "BE IT FURTHER RESOLVED" clause. This added section is to read as follows:

"Consider the exempting of all Hawaiian fish ponds."

This amendment was made in response to concerns presented during testimony. Additional technical, non-substantive amendments for the purpose of clarity and style have also been made to this concurrent resolution.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 166, as amended herein, and recommends that it be referred to the Committees on Ocean Recreation and Marine Resources and Water and Land Use Planning in the form attached hereto as H.C.R. No. 166, H.D. 1.

Signed by all members of the Committee except Representatives Ihara, Lee and Okamura.

SCRep. 1316-94 Consumer Protection and Commerce on S.B. No. 3133

The purpose of this bill is to strengthen laws pertaining to the issuance of liquor licenses.

Specifically, this bill:

- (1) Requires liquor license applicants to mail a notice of the time and place of the public hearing for the application to not less than:
 - (A) Two-thirds of all registered voters and small businesses residing or situated within five hundred feet from the premises for which the license is requested; and
 - (B) Three-fourths of all registered voters and small businesses residing or situated within one hundred feet from the premises for which the license is requested;
- (2) Exempts hotels, as defined in Section 486K-1, Hawaii Revised Statutes (HRS), from the foregoing requirement; and
- (3) Clarifies that the notice be addressed to the "occupant" of the residential unit or small business.

Testimony in opposition was submitted by the Departments of Liquor Control of the Counties of Hawaii, Kauai, and Maui; the Liquor Commission of the City and County of Honolulu; the Department of Finance of the City and County of Honolulu; the Retail Liquor Dealers Association of Hawaii; and the Hawai'i Restaurant Association.

Comments were also submitted by the Association of Clerks & Election Officers of Hawaii and the Hawaii Food & Beverage Association.

The representative of the Hawaii County Department of Liquor Control testified that:

- (1) Section 11-14, HRS, currently prohibits applicants from obtaining voter registration lists;
- (2) The voter registration list will not necessarily provide the proper information to an applicant who is compiling a list of voters within five hundred feet of the premises; and
- (3) Because the bill does not define the term, "small business," it appears that it may be impossible for applicants with premises situated in areas near commercial, hotel-resort, or interim regulation zoned areas to comply with the notification requirements.

After careful consideration, your Committee has amended this bill by deleting its substance, and inserting the provisions of H.B. No. 3520, H.D. 1, reported out earlier by your Committee, which:

- (1) Requires investigators to report to the respective county Liquor Commission, inter alia, the location and address of each rental apartment situated within five hundred feet from the premises of an applicant for a liquor license other than a class 7, 8, or 9 liquor license;
- (2) Requires liquor license applicants to mail a notice of the time and place of the public hearing for the application to not less than:
 - (A) Two-thirds of the residential units in a rental apartment, any part of which is situated within five hundred feet from the premises for which the license is requested; and
 - (B) Three-fourths of the residential units in a rental apartment, any part of which is situated within one hundred feet from the premises for which the license is requested;
- (3) Clarifies that the notice be addressed to the "occupant" of the residential unit, and be mailed at least forty-five days prior to the hearing date;
- (4) Requires the applicant to file an affidavit to the Liquor Commission that the notices were mailed in compliance with Section 281-57(c), HRS, as amended, and requires the Liquor Commission to cancel the hearing if the Commission fails to receive the affidavit, or discovers that the affidavit is false;
- (5) Defines "rental apartment" to mean a multi-family dwelling with at least three residential units that are not individually owned or leased, and rented or intended for rental to tenants by the owner of the dwelling, excluding condominium projects, cooperative apartments, and hotels;
- (6) Clarifies that the entire lot on which the rental apartment is situated be considered in determining the distance from the premises to which a license is requested;
- (7) States that the foregoing provisions apply to all liquor license applications for which a public hearing is scheduled for a date after June 30, 1994; and
- (8) Changes the effective date to July 1, 1994.

In addition, technical, nonsubstantive revisions were made for purposes of clarity, style, and conformity.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3133, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3133, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Bainum, Hiraki, Hirono, Peters, Takamine and Thielen.
(Representative Herkes voted no.)

SCRep. 1317-94 Finance on S.B. No. 2753

The purpose of this bill is to clarify tax law pertaining to insurers authorized to conduct business in Hawaii.

This bill proposes to accomplish this by:

- (1) Requiring authorized insurers, with respect to real property title insurance contracts written on real property in the State, to pay a tax of 4.265 percent of the amount of the risk premium actually received by the insurer; and
- (2) Clarifying that the risk premium of real property title insurance shall be the amount equal to that actually received by the insurer for the provision of real property title insurance coverage.

Testimony in support of this measure was submitted by the State Insurance Commissioner and the Security Title Corporation. The Tax Foundation of Hawaii submitted comments on this bill.

After free and open discussion, your Committee has amended this bill by making technical, nonsubstantive revisions for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2753, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2753, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1318-94 Consumer Protection and Commerce on H.C.R. No. 378

The purpose of this concurrent resolution is to:

- (1) Request the Legislative Reference Bureau (LRB) study the feasibility of expanding state regulatory practices to allow optometrists to use therapeutic pharmaceutical agents (TPAs);

- (2) Request the LRB to perform a comprehensive review of conditions in Hawaii and the studies and regulatory practices of other states;
- (3) Request the Hawaii Ophthalmological Society and the Hawaii Optometric Association to designate representatives who may be consulted by the LRB with respect to issues in this study;
- (4) Request the LRB review studies produced by other states with or without TPA prescriptive authority for optometrists;
- (5) Request the Insurance Commissioner obtain data from Hawaii insurers;
- (6) Request the Board of Medical Examiners obtain data on training of medical doctors;
- (7) Request the Board of Examiners in Optometry obtain data on training for optometrists;
- (8) Request the Insurance Commissioner, the Board of Medical Examiners, and the Board of Examiners in Optometry to submit their data and findings to the LRB not later than August 1, 1995; and
- (9) Request the LRB to submit its recommendations based on its findings to the Legislature twenty days prior to the convening of the Regular Session of 1995.

Your Committee heard testimony in support of this concurrent resolution from the Hawaii Ophthalmological Society, the Hawaii Optometric Association and the Board of Medical Examiners (with some modification). The Board of Examiners in Optometry testified that it is willing to obtain the data requested by this concurrent resolution, but feels that the findings from the extensive studies relating to optometrists' use of TPAs done by other states already provide the information sought by this measure.

There was no testimony in opposition to this concurrent resolution.

Your Committee notes that it has heard lengthy testimony both in support and in opposition to legislation granting optometrists prescriptive privileges. As a result, this Committee finds that this study is a reasonable approach to obtain the objective information it needs to deal with this issue prior to granting expanded prescriptive authority to optometrists.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 378, and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Amaral, Menor, Oshiro, Peters and Takamine.
(Representative Thielen voted no.)

SCRep. 1319-94 Education on H.R. No. 135

The purpose of this resolution is to request that the Department of Health and the Department of Education develop a "postpone sexual involvement program."

The Department of Health submitted testimony in support of this resolution. The Hawaii Right to Life submitted comments on this resolution. The Department of Education submitted testimony stating that this resolution is not necessary.

After free and open discussion, your Committee has amended this resolution by:

- (1) Changing the title to request that the Department of Health and the Department of Education develop a plan to reduce sexual involvement;
- (2) Inserting pertinent statistics relating to teen pregnancies and sexually transmitted diseases;
- (3) Adding that the Departments of Health and Education include in their plan to reduce sexual involvement statistics utilizing demographic data on pregnant and parenting teens, including data on the incidence of pregnancies among teens and high risk areas in the State; and
- (4) Making technical, nonsubstantive revisions for purposes of clarity, style, and consistency.

Although the Department of Education testified that its current curriculum emphasizes abstinence, it is clear that adolescent sexual activity and teen pregnancies continue to be a serious public health problem affecting the state.

Your Committee notes there are a number of successful, cost-effective abstinence-based programs implemented throughout the nation. Some programs have demonstrated overall success by showing a reduction in teen pregnancy, a decrease in other social problems among students, and an increase in student test scores. It is suggested that these abstinence-based sexuality education programs be further examined.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 135, as amended herein, and recommends that it be referred to the Committee on Health in the form attached hereto as H.R. No. 135, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Hagino, Isbell, Lee and Shon.

SCRep. 1320-94 Education on H.C.R. No. 146

The purpose of this concurrent resolution is to request that the Department of Health and the Department of Education develop a "postpone sexual involvement program."

The Department of Health submitted testimony in support of this concurrent resolution. The Hawaii Right to Life submitted comments on this concurrent resolution. The Department of Education submitted testimony stating that this concurrent resolution is not necessary.

After free and open discussion, your Committee has amended this concurrent resolution by:

- (1) Changing the title to request that the Department of Health and the Department of Education develop a plan to reduce sexual involvement;
- (2) Inserting pertinent statistics relating to teen pregnancies and sexually transmitted diseases;
- (3) Adding that the Departments of Health and Education include in their plan to reduce sexual involvement statistics utilizing demographic data on pregnant and parenting teens, including data on the incidence of pregnancies among teens and high risk areas in the State; and
- (4) Making technical, nonsubstantive revisions for purposes of clarity, style, and consistency.

Although the Department of Education testified that its current curriculum emphasizes abstinence, it is clear that adolescent sexual activity and teen pregnancies continue to be a serious public health problem affecting the state.

Your Committee notes there are a number of successful, cost-effective abstinence-based programs implemented throughout the nation. Some programs have demonstrated overall success by showing a reduction in teen pregnancy, a decrease in other social problems among students, and an increase in student test scores. It is suggested that these abstinence-based sexuality education programs be further examined.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 146, as amended herein, and recommends that it be referred to the Committee on Health in the form attached hereto as H.C.R. No. 146, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Hagino, Isbell, Lee and Shon.

SCRep. 1321-94 Education on H.R. No. 382

The purpose of this resolution, as received by your Committee, is to request the Public Utilities Commission (PUC) to establish and review discounted rates for telecommunications services used for distance learning as part of its current telecommunications docket.

Your Committee received testimony in support of this resolution from the PUC, the University of Hawaii, GTE Hawaiian Telephone Company Incorporated (Hawaiian Tel), and the Chancellor for Community Colleges.

Your Committee has amended this resolution as follows:

- (1) Amending the title of this resolution by deleting the word "DISTANCE LEARNING" and inserting the word "EDUCATIONAL INSTITUTIONS" in its place;
- (2) Amending this resolution by inserting "and the University of Hawaii's Distance Education and Instructional Technology" in lines 8-9 of page 1;
- (3) Adding "No. 7702" after all references to the "current telecommunications docket"; and
- (4) Making technical and nonsubstantive amendments for purposes of consistency, style, and clarity.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 382, as amended herein, and recommends that it be referred to the Committee on Consumer Protection and Commerce in the form attached hereto as H.R. No. 382, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Hagino, Isbell, Lee, Shon and Taniguchi.

SCRep. 1322-94 Education on H.C.R. No. 459

The purpose of this concurrent resolution, as received by your Committee, is to request the Public Utilities Commission (PUC) to establish and review discounted rates for telecommunications services used for distance learning as part of its current telecommunications docket.

Your Committee received testimony in support of this concurrent resolution from the PUC, the University of Hawaii, GTE Hawaiian Telephone Company Incorporated (Hawaiian Tel), and the Chancellor for Community Colleges.

Your Committee has amended this concurrent resolution as follows:

- (1) Amending the title of this concurrent resolution by deleting the word "DISTANCE LEARNING" and inserting the word "EDUCATIONAL INSTITUTIONS" in its place;
- (2) Amending this concurrent resolution by inserting "and the University of Hawaii's Distance Education and Instructional Technology" in lines 7-8 of page 1;
- (3) Adding "No. 7702" after all references to the "current telecommunications docket"; and
- (4) Making technical and nonsubstantive amendments for purposes of consistency, style, and clarity.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 459, 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. 459, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Hagino, Isbell, Lee, Shon and Taniguchi.

SCRep. 1323-94 Hawaiian Affairs on H.C.R. No. 455

The purpose of this concurrent resolution is to request that the Office of Hawaiian Affairs, the Department of Hawaiian Home Lands, the Board of Agriculture, the Department of Business, Economic Development and Tourism, and the University of Hawaii College of Tropical Agriculture to investigate ways to promote and encourage the cultivation and processing of taro to meet the growing demand for taro products in the local, domestic, and foreign markets. Being a very healthful food, taro is a traditional staple of the Hawaiian people. Taro can be used in the manufacture of allergenic-free products, as a viable dietary substitute for members of less developed nations, and towards the market for taro chips and other specialty items.

Your Committee received supportive testimony from the Office of Hawaiian Affairs, the Department of Business, Economic Development and Tourism, the Department Hawaiian Home Lands, the Board of Agriculture, the Association of Hawaiian Civic Clubs, the University of Hawaii, and the Native Hawaiian Advisory Council.

Your Committee has amended this concurrent resolution by:

- (1) Amending the second to the last "WHEREAS" clause to include the island of Hawaii as one of the islands which could be used for the cultivation of taro;
- (2) Amending the first "BE IT RESOLVED" clause to include the Department of Land and Natural Resources and the Water Resource Management Commission in requesting their investigation of ways to promote and encourage the cultivation and processing of taro; and
- (3) For purposes of consistency, amending the last paragraph to reflect the changes made to include the island of Hawaii as one of the islands which could be used for the cultivation of taro.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 455, as amended herein, and recommends that it be referred to the Committee on Agriculture in the form attached hereto as H.C.R. No. 455, H.D. 1.

Signed by all members of the Committee except Representatives Ihara and Lee.

SCRep. 1324-94 Hawaiian Affairs on H.R. No. 155

The purpose of this resolution is to help the Department of Hawaiian Home Lands (DHHL) provide affordable housing to beneficiaries in areas with a high concentration of native Hawaiians. This measure requests the Department of Land and Natural Resources (DLNR) and the Office of State Planning (OSP) to begin this process by identifying all public trust lands in these areas such as Waiahole, Waikane, Hakipu'u, Kahana, and Hau'ula.

The DLNR, the Office of Hawaiian Affairs, the OSP, the Association of Hawaiian Civic Clubs, and the Economic Development Committee of the Native Hawaiian Chamber of Commerce testified on this measure. It was pointed out that the Governor has directed the DLNR to transfer approximately 16,000 acres of public lands to the DHHL by the end of this year.

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

- (1) Including the DHHL as one of the agencies to identify the public lands, and deleting references that would have limited the study to areas with a high concentration of native Hawaiians; as amended, the title reads as follows: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE HAWAIIAN HOMES COMMISSION, AND THE OFFICE OF STATE PLANNING TO

IDENTIFY ALL PUBLIC TRUST LANDS HELD BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES"; the BE IT RESOLVED clause was also amended in the same manner;

- (2) Inserting a BE IT FURTHER RESOLVED clause requesting that the study pay particular attention to areas with a high concentration of native Hawaiians such as certain Windward Oahu communities; and
- (3) Making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 155, as amended herein, and recommends that it be referred to the Committee on Water and Land Use Planning in the form attached hereto as H.R. No. 155, H.D. 1.

Signed by all members of the Committee except Representatives Ihara, D. Ige and Lee.

SCRep. 1325-94 Hawaiian Affairs on H.C.R. No. 165

The purpose of this concurrent resolution is to help the Department of Hawaiian Home Lands (DHHL) provide affordable housing to beneficiaries in areas with a high concentration of native Hawaiians. This measure requests the Department of Land and Natural Resources (DLNR) and the Office of State Planning (OSP) to begin this process by identifying all public trust lands in these areas such as Waiahole, Waikane, Hakipuu, Kahana, and Hauula.

The DLNR, the Office of Hawaiian Affairs, the OSP, the Association of Hawaiian Civic Clubs, and the Economic Development Committee of the Native Hawaiian Chamber of Commerce testified on this measure. It was pointed out that the Governor has directed the DLNR to transfer approximately 16,000 acres of public lands to the DHHL by the end of this year.

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

- (1) Including the DHHL as one of the agencies to identify the public lands, and deleting references that would have limited the study to areas with a high concentration of native Hawaiians; as amended, the title reads as follows: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE HAWAIIAN HOMES COMMISSION, AND THE OFFICE OF STATE PLANNING TO IDENTIFY ALL PUBLIC TRUST LANDS HELD BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES"; the BE IT RESOLVED clause was also amended in the same manner;
- (2) Inserting a BE IT FURTHER RESOLVED clause requesting that the study pay particular attention to areas with a high concentration of native Hawaiians such as certain Windward Oahu communities; and
- (3) Making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 165, as amended herein, and recommends that it be referred to the Committee on Water and Land Use Planning in the form attached hereto as H.C.R. No. 165, H.D. 1.

Signed by all members of the Committee except Representatives Ihara, D. Ige and Lee.

SCRep. 1326-94 Hawaiian Affairs on H.R. No. 126

The purpose of this resolution is to protect native Hawaiian rights from the impact of large-scale land development initiatives taken by the city, state, or federal government. Such initiatives are largely governed by an administrative permitting process. This measure directs the Legislative Auditor to conduct a "sunrise" study on the establishment of an office to serve as an advocate of native Hawaiian rights.

The Office of Hawaiian Affairs (OHA), the Native Hawaiian Legal Corporation (NHLC), the Halawa Coalition, Na Koa Ikaika, and the Association of Hawaiian Civic Clubs testified on this measure.

Following extensive discussions, your Committee has re-focused this resolution to urge OHA to provide increased funding to the NHLC. Your Committee finds that the creation of another advocate of native Hawaiian rights would be a duplication of effort. Instead, efforts should be made to strengthen existing advocacy agencies. Accordingly, this measure has been amended by:

- (1) Amending the title to read: "HOUSE RESOLUTION ENCOURAGING THE OFFICE OF HAWAIIAN AFFAIRS TO STRENGTHEN ITS ROLE AS AN ADVOCATE OF NATIVE HAWAIIAN RIGHTS BY INCREASING ITS FUNDING FOR THE NATIVE HAWAIIAN LEGAL CORPORATION"; the BE IT RESOLVED clause was also amended in the same manner;
- (2) Replacing the last WHEREAS clause with new language that describes the advocacy efforts of OHA and the NHLC;
- (3) Replacing the BE IT FURTHER RESOLVED clauses with new language urging OHA to educate the public of these efforts and transmitting copies to the appropriate bodies; and
- (4) Making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 126, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 126, H.D. 1.

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

SCRep. 1327-94 Hawaiian Affairs on H.C.R. No. 137

The purpose of this concurrent resolution is to protect native Hawaiian rights from the impact of large-scale land development initiatives taken by the city, state, or federal government. Such initiatives are largely governed by an administrative permitting process. This measure directs the Legislative Auditor to conduct a "sunrise" study on the establishment of an office to serve as an advocate of native Hawaiian rights.

The Office of Hawaiian Affairs (OHA), the Native Hawaiian Legal Corporation (NHLC), the Halawa Coalition, Na Koa Ikaika, and the Association of Hawaiian Civic Clubs testified on this measure.

Following extensive discussions, your Committee has re-focused this concurrent resolution to urge OHA to provide increased funding to the NHLC. Your Committee finds that the creation of another advocate of native Hawaiian rights would be a duplication of effort. Instead, efforts should be made to strengthen existing advocacy agencies. Accordingly, this measure has been amended by:

- (1) Amending the title to read: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE OFFICE OF HAWAIIAN AFFAIRS TO STRENGTHEN ITS ROLE AS AN ADVOCATE OF NATIVE HAWAIIAN RIGHTS BY INCREASING ITS FUNDING FOR THE NATIVE HAWAIIAN LEGAL CORPORATION"; the BE IT RESOLVED clause was also amended in the same manner;
- (2) Replacing the last WHEREAS clause with new language that describes the advocacy efforts of OHA and the NHLC;
- (3) Replacing the BE IT FURTHER RESOLVED clauses with new language urging OHA to educate the public of these efforts and transmitting copies to the appropriate bodies; and
- (4) Making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 137, 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. 137, H.D. 1.

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

SCRep. 1328-94 Labor and Public Employment on H.R. No. 217

The purpose of this resolution is to request the Hawaii Civil Rights Commission, with the assistance of other interested civil rights and affected public groups, to review its case processing procedures and to determine alternative methods of alleviating its high case load and backlog, with existing resources.

Your Committee received testimony in support of the resolution from the Hawaii Civil Rights Commission and a private citizen.

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 217 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Taniguchi.

SCRep. 1329-94 Labor and Public Employment on H.C.R. No. 224

The purpose of this concurrent resolution is to request the Hawaii Civil Rights Commission, with the assistance of other interested civil rights and affected public groups, to review its case processing procedures and to determine alternative methods of alleviating its high case load and backlog, with existing resources.

Your Committee received testimony in support of the concurrent resolution from the Hawaii Civil Rights Commission and a private citizen.

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 224 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Taniguchi.

SCRep. 1330-94 Labor and Public Employment on H.R. No. 158

The purpose of this resolution is to request the Department of Labor and Industrial Relations (DLIR), through the Office of Community Services, to conduct a needs assessment to determine the need for and availability of formal academic training for bilingual workers in the health, formal education, employment, and social service disciplines.

In addition, this resolution also requests DLIR to submit its findings and recommendations to the Legislature at least twenty days prior to the convening of the 1995 Regular Session.

Your Committee received testimony in support of the resolution from the Office of Community Services of DLIR and the Hawaii Civil Rights Commission. Testimony in support of the intent of the measure was submitted by the Department of Health and the University of Hawaii.

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 158 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Taniguchi.

SCRep. 1331-94 Labor and Public Employment on H.C.R. No. 168

The purpose of this concurrent resolution is to request the Department of Labor and Industrial Relations (DLIR), through the Office of Community Services, to conduct a needs assessment to determine the need for and availability of formal academic training for bilingual workers in the health, formal education, employment, and social service disciplines.

In addition, this concurrent resolution also requests DLIR to submit its findings and recommendations to the Legislature at least twenty days prior to the convening of the 1995 Regular Session.

Your Committee received testimony in support of the concurrent resolution from the Office of Community Services of DLIR and the Hawaii Civil Rights Commission. Testimony in support of the intent of the measure was submitted by the Department of Health and the University of Hawaii.

As affirmed by the record of votes of the members of your Committee on Labor and Public Employment that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 168 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Taniguchi.

SCRep. 1332-94 Energy and Environmental Protection on H.C.R. No. 22

The purpose of this concurrent resolution is to have the Department of Transportation halt its installation of variable message signs along the trans-Koolau feeder routes until it has addressed the community concerns about the impact of the signs on the environment, the scenic beauty, and the quality of life of residents.

Testimony supporting the concurrent resolution was received from:

- (1) The Kaneohe Neighborhood Board;
- (2) The Kaneohe Outdoor Circle;
- (3) The Outdoor Circle, Hawaii Chapter;
- (4) The Chair of the Kailua Neighborhood Board; and
- (5) Various citizens and members of the Kailua Neighborhood Board.

All testifiers in support of the concurrent resolution emphasized the need to maintain the natural beauty and scenic and panoramic views on the Windward side.

The Department of Transportation submitted testimony against the concurrent resolution because it believes the signs are needed to minimize congestion and possible accidents.

Your Committee recognizes the need to address the concerns of Windward residents and to make every effort to preserve the natural beauty of the island. Accordingly, your Committee unanimously voted to pass the concurrent resolution unamended.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 22 and recommends that it be referred to the Committee on Transportation.

Signed by all members of the Committee except Representatives Herkes, Hiraki and Hirono.

SCRep. 1333-94 Transportation and Intergovernmental Relations and International Affairs on H.C.R. No. 452

The purpose of this concurrent resolution is to urge the President of the United States and the United States Department of State to review and reverse their decision to postpone approval of the Japan Air Lines new air route between Sendai City, Japan and Honolulu.

Your Committees find that additional air routes between Hawaii and Asia will provide potential growth to the State's tourism industry. Your Committees find that any delay in the opening of air routes between Hawaii and Japan will greatly affect the State's economic future.

Your Committees received testimony from the Department of Transportation and the Hawaii Visitors Bureau.

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

As affirmed by the records of votes of the members of your Committees on Transportation and Intergovernmental Relations and International Affairs that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 452, H.D. 1, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 452, H.D. 2.

Signed by all members of the Committees except Representatives Alcon, Hagino and Shon.

SCRep. 1334-94 Transportation on H.R. No. 220

The purpose of this resolution is to request the Department of Transportation to assess the feasibility of opening and rehabilitating the Old Pali Highway for pedestrian and bicycle use.

Your Committee recognizes the need to promote alternative means of transportation such as bicycling, running, and walking which enhances one's health, and reduces noise and air pollution.

Your Committee received testimony from the Department of Transportation, the Sierra Club of Hawaii, and various concerned citizens.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 220 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hagino and Ward.

SCRep. 1335-94 Transportation on H.C.R. No. 236

The purpose of this concurrent resolution is to request the Department of Transportation to assess the feasibility of opening and rehabilitating the Old Pali Highway for pedestrian and bicycle use.

Your Committee recognizes the need to promote alternative means of transportation such as bicycling, running, and walking which enhances one's health, and reduces noise and air pollution.

Your Committee received testimony from the Department of Transportation, the Sierra Club of Hawaii, and various concerned citizens.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 236 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hagino and Ward.

SCRep. 1336-94 Transportation on H.R. No. 278

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study of the feasibility of developing alternative transportation modes specifically adapted towards the needs of senior citizens.

Your Committee recognizes that the number of daily commuters includes an increasing number of senior citizens who cannot or rather not drive. Your Committee also recognizes the need for alternative modes of transportation geared toward the needs of these commuting senior citizens.

Your Committee received testimony from the Public Transit Authority of the City and County of Honolulu, the Elderly Affairs Division of the City and County of Honolulu, and the State of Hawaii Executive Office on Aging.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 278 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Hagino and Ward.

SCRep. 1337-94 Transportation on H.C.R. No. 301

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study of the feasibility of developing alternative transportation modes specifically adapted towards the needs of senior citizens.

Your Committee recognizes that the number of daily commuters includes an increasing number of senior citizens who cannot or rather not drive. Your Committee also recognizes the need for alternative modes of transportation geared toward the needs of these commuting senior citizens.

Your Committee received testimony from the Public Transit Authority of the City and County of Honolulu, the Elderly Affairs Division of the City and County of Honolulu, and the State of Hawaii Executive Office on Aging.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 301 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Hagino and Ward.

SCRep. 1338-94 Transportation on H.R. No. 281

The purpose of this resolution is to request the State Department of Transportation to inform and educate motorists on the rules of the road with respect to persons riding animals or animal-drawn vehicles.

Your Committee recognizes the need to educate motorists of the current provisions within the traffic code concerning ridden animals or animal-drawn vehicles in order to ensure the safety of persons riding on animals or animal-drawn vehicles.

Your Committee received testimony from the Department of Transportation, representatives from the Hawaii Equestrian Trails Association, and various concerned citizens.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 281 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hagino and Ward.

SCRep. 1339-94 Transportation on H.C.R. No. 303

The purpose of this concurrent resolution is to request the State Department of Transportation to inform and educate motorists on the rules of the road with respect to persons riding animals or animal-drawn vehicles.

Your Committee recognizes the need to educate motorists of the current provisions within the traffic code concerning ridden animals or animal-drawn vehicles in order to ensure the safety of persons riding on animals or animal-drawn vehicles.

Your Committee received testimony from the Department of Transportation, representatives from the Hawaii Equestrian Trails Association, and various concerned citizens.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 303 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Hagino and Ward.

SCRep. 1340-94 Transportation on H.R. No. 247

The purpose of this resolution is to request the Oahu Metropolitan Planning Organization to conduct a study to determine the feasibility of implementing and the impact of a state-mandated trip reduction program.

Your Committee finds that traffic congestion is a problem that will continue to grow as the State's population increases and housing developments expand. Your Committee finds that over the years, several traffic mitigation measures have been actively pursued to shift the means of commuting away from single-occupant vehicles. Your Committee finds that other States and cities faced with traffic gridlock have implemented trip reduction programs to combat air quality problems and traffic congestion. Your Committee finds that traffic reduction programs attempt to modify commuting habits by educating employees and employers about various commuting alternatives, and encourages employers to provide incentives and facilities for employees who utilize alternative commuting modes.

Your Committee received testimony from the Oahu Metropolitan Planning Organization and the Leeward Oahu Transportation Management Association.

Your Committee has amended this resolution by:

- (1) Requesting the Legislative Reference Bureau instead of the Oahu Metropolitan Planning Organization conduct the study; and

- (2) Various technical and non-substantive changes for the purpose of style and clarity.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 247, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 247, H.D. 1.

Signed by all members of the Committee except Representatives Hagino and Shon.

SCRep. 1341-94 Transportation on H.C.R. No. 265

The purpose of this concurrent resolution is to request the Oahu Metropolitan Planning Organization to conduct a study to determine the feasibility of implementing and the impact of a state-mandated trip reduction program.

Your Committee finds that traffic congestion is a problem that will continue to grow as the State's population increases and housing developments expand. Your Committee finds that over the years several traffic mitigation measures have been actively pursued to shift the means of commuting away from single-occupant vehicles. Your Committee finds that other States and cities faced with traffic gridlock have implemented trip reduction programs to combat air quality problems and traffic congestion. Your Committee finds that traffic reduction programs attempt to modify commuting habits by educating employees and employers about various commuting alternatives, and encourages employers to provide incentives and facilities for employees who utilize alternative commuting modes.

Your Committee received testimony from the Oahu Metropolitan Planning Organization and the Leeward Oahu Transportation Management Association.

Your Committee has amended this concurrent resolution by:

- (1) Requesting the Legislative Reference Bureau instead of the Oahu Metropolitan Planning Organization conduct the study; and
- (2) Various technical and non-substantive changes for the purpose of style and clarity.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 265, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 265, H.D. 1.

Signed by all members of the Committee except Representatives Hagino and Shon.

SCRep. 1342-94 Tourism on H.C.R. No. 306

The purpose of this concurrent resolution is to urge the Governor's Office of State Planning to expedite the completion of studies determining the visitor carrying capacity of the different regions of the state.

Your Committee received testimony in support of this concurrent resolution from Rep. Duke Bainum, the Office of State Planning, and four individuals.

Although this concurrent resolution affects the studies for the entire state, a great need for information on visitor carrying capacity exists for the Waikiki area, in which a large number of residents and visitors occupy a dense urban environment.

In addition, your Committee finds that the report on the visitor carrying capacity of Waikiki depends on the results of the land use and density study and the environmental assessment conducted by the Office of Waikiki Development of the City and County of Honolulu and the Convention Center Authority, respectively.

Your Committee revised this concurrent resolution by:

1. Amending the title to read "URGING THE EXPEDITED COMPLETION OF PLANNING STUDIES FOR THE WAIKIKI AREA";
2. Adding a paragraph to highlight the importance of the Waikiki visitor district;
3. Removing reference to the 1995 deadline;
4. Adding a paragraph stating that the Convention Center Authority is in the process of completing an environmental study and the City and County of Honolulu is conducting a land use and density study, both necessary for the Waikiki visitor carrying capacity study;
5. Adding a provision urging the City and County of Honolulu Office of Waikiki Development to expedite its land use and density study for the Waikiki area;
6. Adding a provision requesting the Convention Center Authority to expedite its environmental assessment of the effect of the convention center on the Waikiki area;

7. Amending the request to the Office of State Planning to include only the Waikiki area, rather than the entire state;
8. Providing for certified copies to the Governor, the Director of the Office of State Planning, the Director of Business, Economic Development and Tourism; the President of the Hawaii Visitors Bureau, and the Mayor, the members of the City Council, the Chief Planning Officer of the Department of Planning and the Director of the Office of Waikiki Development of the City and County of Honolulu; and
9. Making technical, non-substantive changes for the purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Tourism that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 306, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 306, H.D. 1.

Signed by all members of the Committee.

SCRep. 1343-94 Energy and Environmental Protection on H.R. No. 302

The purpose of this resolution, as received by your Committee, is to have the Department of Education conduct a study to determine the feasibility of developing curriculum on environmental education.

Testimony supporting the intent of H.R. 302 was received from:

- (1) The Department of Education;
- (2) The Department of Health; and
- (3) Several concerned citizens.

Although all who testified strongly supported the intent of the resolution, to promote the development of environmental education curriculum in Hawaii's public schools, the Department of Education testified that such efforts were already being undertaken. However, testimony was also presented that the Department of Education's Environmental Education Specialist position is still at temporary status.

Your Committee recognizes that an environmentally educated and sensitive citizenry is invaluable to promoting a high quality environment. The Committee supports and commends the Department of Education's current efforts to develop environmental education materials and encourages the continuation of this process. In order to support these ongoing environmental education efforts of the Department, the Committee recommends that the existing environmental education specialist position be converted from temporary to permanent status.

The Committee amended this resolution by removing the request for a feasibility study and inserting the recommendation to convert the temporary status of the Environmental Education Specialist II to permanent status. The title of the resolution was changed, accordingly, to reflect the revised language requesting the Department to make this position permanent: "REQUESTING THE DEPARTMENT OF EDUCATION TO CONTINUE THE DEVELOPMENT AND IMPLEMENTATION OF CURRICULUM MATERIALS ON ENVIRONMENTAL EDUCATION AND TO CONVERT THE ENVIRONMENTAL EDUCATION SPECIALIST POSITION FROM TEMPORARY TO PERMANENT STATUS."

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 302, as amended herein, and recommends that it be referred to the Committee on Education in the form attached hereto as H.R. No. 302, H.D. 1.

Signed by all members of the Committee except Representatives Hiraki, Hirono and Takamine.

SCRep. 1344-94 Energy and Environmental Protection on H.C.R. No. 336

The purpose of this concurrent resolution, as received by your Committee, is to have the Department of Education conduct a study to determine the feasibility of developing curriculum on environmental education.

Testimony supporting the intent of H.C.R. 336 was received from:

- (1) The Department of Education;
- (2) The Department of Health; and
- (3) Several concerned citizens.

Although all who testified strongly supported the intent of the concurrent resolution, to promote the development of environmental education curriculum in Hawaii's public schools, the Department of Education testified that such efforts were already being undertaken. However, testimony was also presented that the Department of Education's Environmental Education Specialist position is still at temporary status.

Your Committee recognizes that an environmentally educated and sensitive citizenry is invaluable to promoting a high quality environment. The Committee supports and commends the Department of Education's current efforts to develop

environmental education materials and encourages the continuation of this process. In order to support these ongoing environmental education efforts of the Department, the Committee recommends that the existing environmental education specialist position be converted from temporary to permanent status.

The Committee amended this concurrent resolution by removing the request for a feasibility study and inserting the recommendation to convert the temporary status of the Environmental Education Specialist II to permanent status. The title of the concurrent resolution was changed, accordingly, to reflect the revised language requesting the Department to make this position permanent: "REQUESTING THE DEPARTMENT OF EDUCATION TO CONTINUE THE DEVELOPMENT AND IMPLEMENTATION OF CURRICULUM MATERIALS ON ENVIRONMENTAL EDUCATION AND TO CONVERT THE ENVIRONMENTAL EDUCATION SPECIALIST POSITION FROM TEMPORARY TO PERMANENT STATUS."

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 336, as amended herein, and recommends that it be referred to the Committee on Education in the form attached hereto as H.C.R. No. 336, H.D. 1.

Signed by all members of the Committee except Representatives Hiraki, Hirono and Takamine.

SCRep. 1345-94 Energy and Environmental Protection on H.C.R. No. 354

The purpose of this concurrent resolution, as received by your Committee, is to facilitate the use of renewable energy. In particular, its purpose is to facilitate the installation and interconnection of large numbers of residential scale, wind and photovoltaic systems. H.C.R. No. 354 proposes to do this by requesting the Department of Taxation and the Department of Business, Economic Development, and Tourism to evaluate the feasibility of increasing tax credits for such systems.

Testimony in support of H.C.R. No. 354 was presented to the Committee by:

- (1) The Department of Business, Economic Development, and Tourism (DBEDT);
- (2) The Hawaii Green Party; and
- (3) TRIOID Promotions, Inc.

The Department of Taxation submitted testimony opposing the concurrent resolution because of the resources it would require in terms of time and personnel.

During questioning on this and other resolutions, various testifiers noted that the issues covered in concurrent resolutions H.C.R. 350, H.C.R. 353, and H.C.R. 354 might better be addressed through a docket. The Public Utilities Commission (PUC) explicitly requested in their testimony that this approach be taken on H.C.R. 353, and during questioning favored the combination of various issues into a single docket.

Accordingly, after free and open discussion, your Committee has amended this measure by:

- (1) Retaining language requesting the Department of Taxation and the Department of Business, Economic Development and Tourism to study enhancing the tax credits for residential wind and solar photovoltaic systems;
- (2) Incorporating language from H.C.R. 350 requesting DBEDT to study net energy billing and the development of energy storage systems;
- (3) Including language from H.C.R. 353 requesting DBEDT to study net energy billing;
- (4) Adding language to request the PUC to open a docket to include: (a) tax credits, (b) production incentives, (c) energy storage systems, and (d) net energy billing, and report its findings and recommendations to the 1996 Legislature;
- (5) Adding language to request the Consumer Advocate, the DBEDT, and the Department of Taxation to participate in the PUC docket; and
- (6) Changing the title of the concurrent resolution to read, "REQUESTING THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A DOCKET ON THE FACILITATION OF RENEWABLE ENERGY RESOURCE UTILIZATION AND REQUESTING THE CONSUMER ADVOCATE, THE DEPARTMENT OF TAXATION, AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO PARTICIPATE IN THE DOCKET," to reflect the substantive amendments made to it; and
- (7) Making technical, non-substantive revisions for purposes of style, clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 354, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 354, H.D. 1.

Signed by all members of the Committee except Representatives Hiraki, Hirono and Takamine.

SCRep. 1346-94 Energy and Environmental Protection on H.C.R. No. 145

The purpose of this concurrent resolution is to have the Commander-in-Chief of the United States Pacific Command identify locations where environmental hazardous materials may be stored by the military, so that developers, contractors and purchasers of residential property on or near such sites can be aware of potential problems.

Testimony in support of the concurrent resolution was received from various concerned citizens from the area of Village Park in Waipahu.

Your Committee shares the concerns of the testifiers that unknown hazardous conditions may be adversely affecting the health of their children and other children in the area. The Committee recognizes that concerns about unknown, but potentially hazardous conditions are, no doubt, shared by many citizens. It believes that the proposed measure will help to allay such concerns when unwarranted and to identify those circumstances where there should be cause for concern.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 145 and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs.

Signed by all members of the Committee except Representatives Hiraki, Hirono and Takamine.

SCRep. 1347-94 Energy and Environmental Protection on H.R. No. 21

The purpose of this resolution is to have the Department of Transportation halt its installation of variable message signs along the trans-Koolau feeder routes until it has addressed the community concerns about the impact of the signs on the environment, the scenic beauty, and the quality of life of residents.

Testimony supporting the resolution was received from:

- (1) The Kaneohe Neighborhood Board;
- (2) The Kaneohe Outdoor Circle;
- (3) The Outdoor Circle, Hawaii Chapter;
- (4) The Chair of the Kailua Neighborhood Board; and
- (5) Various citizens and members of the Kailua Neighborhood Board.

All testifiers in support of the resolution emphasized the need to maintain the natural beauty and scenic and panoramic views on the Windward side.

The Department of Transportation submitted testimony against the resolution because it believes the signs are needed to minimize congestion and possible accidents.

Your Committee recognizes the need to address the concerns of Windward residents and to make every effort to preserve the natural beauty of the island. Accordingly, your Committee unanimously voted to pass the resolution unamended.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 21 and recommends that it be referred to the Committee on Transportation.

Signed by all members of the Committee except Representatives Herkes, Hiraki and Hirono.

SCRep. 1348-94 Hawaiian Affairs and Higher Education and the Arts on H.C.R. No. 429

The purpose of this concurrent resolution, as received, is to provide native Hawaiian students with greater access to higher education in this State. This measure requests the University of Hawaii (UH) to provide five hundred tuition waivers to native Hawaiian students.

Although Act 360, Session Laws of Hawaii 1993, required the UH to grant tuition waivers to two hundred fifty Hawaiian students in the UH system, the number of applicants has far exceeded the number of available tuition waivers.

The UH, the Office of Hawaiian Affairs, and the Association of Hawaiian Civic Clubs testified on this measure. The UH pointed out that under the current system, the UH can and does provide additional waivers for Hawaiian students within the current allocation.

Your Committees have amended this measure by:

- (1) Deleting the fourth WHEREAS clause which suggests that the UH administratively reallocate waivers specifically for Hawaiian students;
- (2) Deleting references that specify that the UH should provide five hundred tuition waivers;

- (3) Correcting a drafting error by replacing references to "native Hawaiian" with "Hawaiian" throughout the measure; as amended, the title reads as follows: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO INCREASE THE NUMBER OF TUITION WAIVERS TO HAWAIIAN STUDENTS"; and
- (4) Making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Higher Education and the Arts that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 429, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 429, H.D. 1.

Signed by all members of the Committees except Representatives Chumbley, Duldulao, Ihara, Okamura, Shon, Takumi, Taniguchi and Yonamine.

SCRep. 1349-94 Hawaiian Affairs on H.C.R. No. 385

The purpose of this concurrent resolution is to request that the Office of Hawaiian Affairs, the Department of Hawaiian Home Lands, the Board of Agriculture, the Department of Business, Economic Development and Tourism, and the University of Hawaii College of Tropical Agriculture to investigate ways to promote and encourage the cultivation and processing of taro to meet the growing demand for taro products in the local, domestic, and foreign markets. Being a very healthful food, taro is a traditional staple of the Hawaiian people. Taro can be used in the manufacture of allergenic-free products, as a viable dietary substitute for members of less developed nations, and in the marketing of taro chips and other specialty items.

Your Committee received supportive testimony from the Office of Hawaiian Affairs, the Department of Business, Economic Development and Tourism, the Department Hawaiian Home Lands, the Board of Agriculture, the Association of Hawaiian Civic Clubs, the University of Hawaii, and the Native Hawaiian Advisory Council.

Your Committee has amended this concurrent resolution by:

- (1) Amending the second to the last "WHEREAS" clause to include the island of Hawaii as one of the islands which could be used for the cultivation of taro;
- (2) Amending the first "BE IT RESOLVED" clause to include the Department of Land and Natural Resources and the Water Resource Management Commission in requesting their investigation of ways to promote and encourage the cultivation and processing of taro; and
- (3) For purposes of consistency, amending the last paragraph to reflect the changes made to include the island of Hawaii as one of the islands which could be used for the cultivation of taro.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 385, as amended herein, and recommends that it be referred to the Committee on Agriculture in the form attached hereto as H.R. No. 385, H.D. 1.

Signed by all members of the Committee except Representatives Ihara and Lee.

SCRep. 1350-94 Hawaiian Affairs on H.R. No. 162

The purpose of this resolution is to authorize the Department of Land and Natural Resources to regulate and oversee the development and restoration of Hawaiian loko i'a in an effort to streamline and help identify a process of bringing these historic resources back into full productivity.

Testimony in support of this resolution was provided by the Department of Land and Natural Resources (DLNR), The Association of Hawaiian Civic Clubs, and Ka Lahui Hawai'i Political Action Committee (KPAC), and other concerned citizens.

Based upon the consideration of your Committee, this resolution has been amended by including an additional section to the second "BE IT FURTHER RESOLVED" clause. This section reads as follows:

"Considering the exempting of all Hawaiian fish ponds."

This amendment was made in response to concerns presented during testimony. Additional technical, non-substantive amendments for the purpose of clarity and style have also been made.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 162, as amended herein, and recommends that it be referred to the Committees on Ocean Recreation and Marine Resources and Water and Land Use Planning in the form attached hereto as H.R. No. 162, H.D. 1.

Signed by all members of the Committee except Representatives Ihara, Lee and Okamura.

SCRep. 1351-94 Hawaiian Affairs and Education on H.R. No. 258

The purpose of this House resolution is to request the Board of Education and the Department of Education to establish a Hawaiian language and culture curriculum at Hauula Elementary School on the island of Oahu. It has been expressed that language contributes to the formation of the identities of groups of people. Sadly, the Hawaiian language has suffered an eclipse due to past educational policies. But there has been a recent resurgence of interest and pride in the Hawaiian language and culture, and programs have been started to revive the Hawaiian language and keep it a living tongue. Thus, the creation of a Hawaiian language and culture curriculum at Hauula Elementary School will reestablish the importance of the Hawaiian language in the community and will spark a renewed interest in Hawaiian culture among both students and their parents.

Your Committees received testimony in support of this resolution from a legislator's office, the Office of Hawaiian Affairs, and seven concerned citizens. The Department of Education submitted testimony expressing that this House resolution is not necessary.

Your Committees amended this resolution by:

- (1) Amending the title to reflect the establishment of an immersion program in the Windward District with priority given to Hauula Elementary School;
- (2) For purposes of consistency, amending the sixth "WHEREAS" clause to reflect the changes made in the title; and
- (3) For purposes of consistency, amending the first "BE IT RESOLVED" clause to reflect the changes made in the title.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Education that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 258, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 258, H.D. 1.

Signed by all members of the Committees except Representatives Duldulao, Hagino, Ihara, Okamura and Shon.

SCRep. 1352-94 Hawaiian Affairs and Education on H.C.R. No. 312

The purpose of this concurrent resolution is to request the Board of Education and the Department of Education to establish a Hawaiian language and culture curriculum at Hauula Elementary School on the island of Oahu. It has been expressed that language contributes to the formation of the identities of groups of people. Sadly, the Hawaiian language has suffered an eclipse due to past educational policies. But there has been a recent resurgence of interest and pride in the Hawaiian language and culture, and programs have been started to revive the Hawaiian language and keep it a living tongue. Thus, the creation of a Hawaiian language and culture curriculum at Hauula Elementary School will reestablish the importance of the Hawaiian language in the community and will spark a renewed interest in Hawaiian culture among both students and their parents.

Your Committees received testimony in support of this concurrent resolution from a legislator's office, the Office of Hawaiian Affairs, and seven concerned citizens. The Department of Education submitted testimony expressing that this concurrent resolution is not necessary.

Your Committees amended this concurrent resolution by:

- (1) Amending the title to reflect the establishment of an immersion program in the Windward District with priority given to Hauula Elementary School;
- (2) For purposes of consistency, amending the sixth "WHEREAS" clause to reflect the changes made in the title; and
- (3) For purposes of consistency, amending the first "BE IT RESOLVED" clause to reflect the changes made in the title.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Education that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 312, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 312, H.D. 1.

Signed by all members of the Committees except Representatives Duldulao, Hagino, Ihara, Okamura and Shon.

SCRep. 1353-94 Hawaiian Affairs and Education on H.R. No. 139

The purpose of this resolution is to request the Board of Education and the Department of Education to establish a Hawaiian language/culture curriculum at Waimea High School on the island of Kauai. It has been expressed that language contributes to the formation of the identities of groups of people. Sadly, the Hawaiian language has suffered an eclipse due to past educational policies. But there has been a recent resurgence of interest and pride in the Hawaiian language and culture, and programs have been started to revive the Hawaiian language and keep it a living tongue. Importantly, Waimea High School serves the second largest native Hawaiian-speaking population in the State. Thus, the creation of a Hawaiian language and culture curriculum at Waimea High School will nurture a renewed interest in

Hawaiian culture and will benefit those seeking higher education at the University of Hawaii due to its acceptance of Hawaiian as a college preparatory course.

Your Committees received testimony from the Department of Education reflecting the Department's belief that this House resolution is not necessary.

Accordingly, your Committees amended this House resolution by:

- (1) Amending the title so that it requests Waimea High School and the Board of Education to establish a Hawaiian language/culture curriculum; and
- (2) For purposes of consistency, amending the first "BE IT RESOLVED" clause to reflect the changes made in the title.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Education that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 139, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 139, H.D. 1.

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

SCRep. 1354-94 Hawaiian Affairs and Education on H.C.R. No. 148

The purpose of this concurrent resolution is to request the Board of Education and the Department of Education to establish a Hawaiian language/culture curriculum at Waimea High School on the island of Kauai. It has been expressed that language contributes to the formation of the identities of groups of people. Sadly, the Hawaiian language has suffered an eclipse due to past educational policies. But there has been a recent resurgence of interest and pride in the Hawaiian language and culture, and programs have been started to revive the Hawaiian language and keep it a living tongue. Importantly, Waimea High School serves the second largest native Hawaiian-speaking population in the State. Thus, the creation of a Hawaiian language and culture curriculum at Waimea High School will nurture a renewed interest in Hawaiian culture and will benefit those seeking higher education at the University of Hawaii due to its acceptance of Hawaiian as a college preparatory course.

Your Committees received testimony from the Department of Education reflecting the Department's belief that this concurrent resolution is not necessary.

Accordingly, your Committees amended this concurrent resolution by:

- (1) Amending the title so that it requests Waimea High School and the Board of Education to establish a Hawaiian language/culture curriculum; and
- (2) For purposes of consistency, amending the first "BE IT RESOLVED" clause to reflect the changes made in the title.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Education that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 148, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 148, H.D. 1.

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

SCRep. 1355-94 Hawaiian Affairs on H.R. No. 157

The purpose of this resolution, as received by your Committee, is to request the Department of Land and Natural Resources (DLNR) to establish rules with the Kahana residents regarding their participation in Kahana State Park interpretive programs.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, the Kahana Ohana Unity Council, residents of Kahana Valley, and Representative Isbell.

Testimony in opposition to this measure was received from the DLNR.

Your Committee acknowledges that a review of the current rules, statutes, leases, and other documents pertaining to Kahana Valley State Park is long overdue in achieving the concept of Ahupua'a O Kahana for the residents of Kahana Valley. Furthermore, your Committee supports the reviews of such current rules, statutes, leases, and other documents in order that the residents of Kahana Valley may be allowed the opportunity to plan their activities and subsistence lifestyle which is characteristic of their traditional Hawaiian culture and heritage.

Although your Committee strongly agrees with the intent of this resolution, your Committee has received testimonies requesting that this resolution be amended to allow the residents of Kahana Valley to participate in the establishment of an Ahupua'a O Kahana along with assisting the DLNR in establishing the rules and policies governing the subsistence lifestyle and cultural aspects of the traditional Hawaiian way of life.

Therefore, your Committee has amended this resolution as follows:

- (1) Amending the title to "REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH RULES WITH KAHANA VALLEY RESIDENTS REGARDING THEIR PARTICIPATION IN AHUPUA'A O KAHANA";
- (2) Amending this resolution in its entirety by rewording the basis behind establishing an Ahupua'a O Kahana and the need for a review of current statutes, rules, leases, and other documents affecting the Ahupua'a O Kahana;
- (3) Amending this resolution in its entirety to educate the public as to why it is important to allow the residents of Kahana Valley to participate with the DLNR in establishing the rules and policies governing the Ahupua'a O Kahana; and
- (4) Changing the term "Kahana State Park Interpretive Program" to the term "Ahupua'a O Kahana".

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 157, as amended herein, and recommends that it be referred to the Committee on Water and Land Use Planning in the form attached hereto as H.R. No. 157, H.D. 1.

Signed by all members of the Committee except Representatives Ihara and Lee.

SCRep. 1356-94 Hawaiian Affairs on H.C.R. No. 167

The purpose of this concurrent resolution, as received by your Committee, is to request the Department of Land and Natural Resources (DLNR) to establish rules with the Kahana residents regarding their participation in Kahana State Park interpretive programs.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, the Kahana Ohana Unity Council, residents of Kahana Valley, and Representative Isbell.

Testimony in opposition to this measure was received from the DLNR.

Your Committee acknowledges that a review of the current rules, statutes, leases, and other documents pertaining to Kahana Valley State Park is long overdue in achieving the concept of Ahupua'a O Kahana for the residents of Kahana Valley. Furthermore, your Committee supports the reviews of such current rules, statutes, leases, and other documents in order that the residents of Kahana Valley may be allowed the opportunity to plan their activities and subsistence lifestyle which is characteristic of their traditional Hawaiian culture and heritage.

Although your Committee strongly agrees with the intent of this concurrent resolution, your Committee has received testimonies requesting that this concurrent resolution be amended to allow the residents of Kahana Valley to participate in the establishment of an Ahupua'a O Kahana along with assisting the DLNR in establishing the rules and policies governing the subsistence lifestyle and cultural aspects of the traditional Hawaiian way of life.

Therefore, your Committee has amended this concurrent resolution as follows:

- (1) Amending the title to "REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH RULES WITH KAHANA VALLEY RESIDENTS REGARDING THEIR PARTICIPATION IN AHUPUA'A O KAHANA";
- (2) Amending this concurrent resolution in its entirety by rewording the basis behind establishing an Ahupua'a O Kahana and the need for a review of current statutes, rules, leases, and other documents affecting the Ahupua'a O Kahana;
- (3) Amending this concurrent resolution in its entirety to educate the public as to why it is important to allow the residents of Kahana Valley to participate with the DLNR in establishing the rules and policies governing the Ahupua'a O Kahana; and
- (4) Changing the term "Kahana State Park Interpretive Program" to the term "Ahupua'a O Kahana".

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 167, as amended herein, and recommends that it be referred to the Committee on Water and Land Use Planning in the form attached hereto as H.C.R. No. 167, H.D. 1.

Signed by all members of the Committee except Representatives Ihara and Lee.

SCRep. 1357-94 Hawaiian Affairs on H.R. No. 84

The purpose of this resolution is to ensure adequate health care services to Hawaiians by requesting the Department of Health (DOH) to strengthen the Office of Hawaiian Health (OHH). This measure recommends that the DOH examine the feasibility of transferring into the OHH those DOH functions and personnel that relate to native Hawaiian health.

Testimony was received from the DOH, the Board of Health, the Office of Hawaiian Affairs, Alu Like, Inc., and the Association of Hawaiian Civic Clubs.

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

- (1) Inserting three WHEREAS clauses that document efforts (from 1991 to 1993) to allocate additional resources to the OHH;
- (2) Rephrasing the title to read: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH ENHANCE THE CAPACITY OF THE OFFICE OF HAWAIIAN HEALTH TO PLAN, COORDINATE, AUGMENT, AND EVALUATE EXITING HEALTH SERVICES FOR NATIVE HAWAIIANS;" the BE IT RESOLVED clause was also rephrased in a similar manner;
- (3) Replacing the first BE IT FURTHER RESOLVED clause with language that directs the DOH to utilize four acute care community hospital positions to work with the OHH to implement a community-based, hospital discharge planning and coordination service that would, among other things, identify gaps in services for native Hawaiian patients from Maui, Kauai, Kona, and Hilo; and
- (4) Replacing the second BE IT FURTHER RESOLVED clause with language that directs the DOH to identify at least four additional positions to help review the accessibility and appropriateness of the services to native Hawaiians in other areas of defined need.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 84, as amended herein, and recommends that it be referred to the Committee on Health in the form attached hereto as H.R. No. 84, H.D. 1.

Signed by all members of the Committee except Representatives Ihara and Lee.

SCRep. 1358-94 Hawaiian Affairs on H.C.R. No. 91

The purpose of this concurrent resolution is to ensure adequate health care services to Hawaiians by requesting the Department of Health (DOH) to strengthen the Office of Hawaiian Health (OHH). This measure recommends that the DOH examine the feasibility of transferring into the OHH those DOH functions and personnel that relate to native Hawaiian health.

Testimony was received from the DOH, the Board of Health, the Office of Hawaiian Affairs, Alu Like, Inc., and the Association of Hawaiian Civic Clubs.

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

- (1) Inserting three WHEREAS clauses that document efforts (from 1991 to 1993) to allocate additional resources to the OHH;
- (2) Rephrasing the title to read: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH ENHANCE THE CAPACITY OF THE OFFICE OF HAWAIIAN HEALTH TO PLAN, COORDINATE, AUGMENT, AND EVALUATE EXITING HEALTH SERVICES FOR NATIVE HAWAIIANS;" the BE IT RESOLVED clause was also rephrased in a similar manner;
- (3) Replacing the first BE IT FURTHER RESOLVED clause with language that directs the DOH to utilize four acute care community hospital positions to work with the OHH to implement a community-based, hospital discharge planning and coordination service that would, among other things, identify gaps in services for native Hawaiian patients from Maui, Kauai, Kona, and Hilo; and
- (4) Replacing the second BE IT FURTHER RESOLVED clause with language that directs the DOH to identify at least four additional positions to help review the accessibility and appropriateness of the services to native Hawaiians in other areas of defined need.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 91, as amended herein, and recommends that it be referred to the Committee on Health in the form attached hereto as H.C.R. No. 91, H.D. 1.

Signed by all members of the Committee except Representatives Ihara and Lee.

SCRep. 1359-94 Hawaiian Affairs on H.R. No. 154

The purpose of this resolution, as received by your Committee, is to request a study to determine the feasibility of establishing a kupuna hale in Kahana Valley State Park for residents qualified to participate in the park's interpretive program.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs. Testimony generally in support of this measure was also submitted by the Department of Land and Natural Resources (DLNR) who support the intent of this measure, but prefers that the concept of a hale kupuna be part of the overall development of DLNR's plans for a state park.

Your Committee notes that the feasibility of establishing a hale kupuna in Kahana Valley State Park is also being addressed by the Legislature through S.R. No. 93 during the 1994 session.

Your Committee has amended this resolution as follows:

- (1) Amending the title of this resolution by changing the word "KUPUNA HALE" to "HALE KUPUNA";
- (2) Amending this resolution throughout by replacing the word "kupuna hale" with "hale kupuna";
- (3) Adding an additional "BE IT FURTHER RESOLVED" clause in lines 6-10 on page 2 of this resolution to request that the DLNR determine the feasibility of forming a public-private partnership under the Community Reinvestment Act with the residents of Kahana Valley who are qualified to participate in the park's interpretive program;
- (4) Adding the residents of Kahana Valley to those persons who are to receive certified copies of this resolution; and
- (5) Making technical and nonsubstantive changes for purposes of style, consistency, and clarity.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 154, as amended herein, and recommends that it be referred to the Committee on Water and Land Use Planning in the form attached hereto as H.R. No. 154, H.D. 1.

Signed by all members of the Committee except Representatives Ihara and Lee.

SCRep. 1360-94 Hawaiian Affairs on H.C.R. No. 164

The purpose of this concurrent resolution, as received by your Committee, is to request a study to determine the feasibility of establishing a kupuna hale in Kahana Valley State Park for residents qualified to participate in the park's interpretive program.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs. Testimony generally in support of this measure was also submitted by the Department of Land and Natural Resources (DLNR) who support the intent of this measure, but prefers that the concept of a hale kupuna be part of the overall development of DLNR's plans for a state park.

Your Committee notes that the feasibility of establishing a hale kupuna in Kahana Valley State Park is also being addressed by the Legislature through S.R. No. 93 during the 1994 session.

Your Committee has amended this concurrent resolution as follows:

- (1) Amending the title of this concurrent resolution by changing the word "KUPUNA HALE" to "HALE KUPUNA";
- (2) Amending this concurrent resolution throughout by replacing the word "Kupuna Hale" with "Hale Kupuna";
- (3) Adding an additional "BE IT FURTHER RESOLVED" clause in lines 6-10 on page 2 of this concurrent resolution to request that the DLNR determine the feasibility of forming a public-private partnership under the Community Reinvestment Act with the residents of Kahana Valley who are qualified to participate in the park's interpretive program;
- (4) Adding the residents of Kahana Valley to those persons who are to receive certified copies of this concurrent resolution; and
- (5) Making technical and nonsubstantive changes for purposes of style, consistency, and clarity.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 164, as amended herein, and recommends that it be referred to the Committee on Water and Land Use Planning in the form attached hereto as H.C.R. No. 164, H.D. 1.

Signed by all members of the Committee except Representatives Ihara and Lee.

SCRep. 1361-94 Ocean Recreation and Marine Resources on H.R. No. 57

The purpose of this House resolution is to request the monitoring of the progress of the recreational boating program.

Your Committee on Ocean Recreation and Marine Resources finds that management audits have identified the most important step for improved operations of the recreational boating program is the development of a comprehensive programmatic approach. Your Committee also finds that the Departments of Land and Natural Resources, Transportation, and Public Safety all are responsible for some aspects of recreational boating activities.

The solution for improvement of the recreational boating program, as requested in this measure, is the creation of an oversight committee to bring together the three departments and other recommended agencies and interested groups to monitor the progress of the program, and to advise the Board of Land and Natural Resources and the Legislature on the progress being made.

The Department of Land and Natural Resources testified against the provisions of this House resolution, citing the following reasons:

- (1) The existing advisory committees are effective;
- (2) There is no reason for the counties and the Department of Transportation to be involved, as they have no control over staffing or staff support operations of the boating program; and
- (3) There is no funding for the expenses of an oversight committee.

The Bar Task Force, Boater's Audit Reports, and members of the boating public testified in favor of having a statewide marina authority to stop what was considered to be waste and inefficiency in present management.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 57 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Amaral, Hirono and Tajiri.

SCRep. 1362-94 Ocean Recreation and Marine Resources on H.C.R. No. 54

The purpose of this House concurrent resolution is to request the monitoring of the progress of the recreational boating program.

Your Committee on Ocean Recreation and Marine Resources finds that management audits have identified the most important step for improved operations of the recreational boating program is the development of a comprehensive programmatic approach. Your Committee also finds that the Departments of Land and Natural Resources, Transportation, and Public Safety all are responsible for some aspects of boating activity.

The solution for improvement of the recreational boating program, as requested in this measure, is the creation of an oversight committee to bring together the three departments and other recommended agencies and interested groups to monitor the progress of the program, and to advise the Board of Land and Natural Resources and the Legislature on the progress being made.

The Department of Land and Resources testified against the provisions of this House Concurrent resolution, citing the following reasons:

- (1) The existing advisory committees are effective;
- (2) There is no reason for the counties and the Department of Transportation to be involved, as they have no control over staffing or staff support operations of the boating program; and
- (3) There is no funding for the expenses of an oversight committee.

The Bar Task Force, Boater's Audit Reports, and members of the boating public testified in favor of having a statewide marina authority to stop what was considered to be waste and inefficiency in present management.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 54 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Amaral, Hirono and Tajiri.

SCRep. 1363-94 Ocean Recreation and Marine Resources on H.C.R. No. 386

The purpose of this House concurrent resolution is to request that the administrative rules relating to small boat harbors be simplified and revised, and that a clear and concise rulebook be published and circulated.

Your Committee on Ocean Recreation and Marine Resources finds that the existing rules and regulations relating to small boat harbors and boating do not reflect a comprehensive programmatic approach to a boating program; that the average boater finds the language in current administrative rules difficult to follow; that compression of the rules and regulations should be possible; and that a clear and simple rulebook outlining the rules of the Department of Land and Natural Resources (DLNR) would be appreciated by boaters. Your Committee also finds that difficulties between the DLNR and boaters in resolving boating issues have been experienced, and that mediation should be arranged.

This measure requests the DLNR to begin regular meetings facilitated by the Center for Alternative Dispute Resolution to simplify and revise rules relating to small boat harbors and boating and to develop a clear and concise rule book. The facilitated sessions are to include the Division of Boating and Ocean Recreation of the DLNR, the Maritime Law Enforcement Division of the Department of Public Safety, and representatives from each recognized boat harbor's advisory committee. The rulebook is to be made available for all boat harbor users and mailed to each vessel owner registered by the DLNR.

The department opposed this House concurrent resolution, although it concurred with the intent to simplify and to develop a synopsis of the rules which can be understood by boaters.

The department objected to having facilitated meetings used for simplifying and revising rules, since statutory requirements must be met, and mediated meetings are not applicable to developing the legal language of rules. A representative from the boating community offered hearty support for this measure.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 386 and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Amaral, Hirono and Tajiri.

SCRep. 1364-94 Ocean Recreation and Marine Resources on H.C.R. No. 413

The purpose of this House concurrent resolution is to request a management audit of the Aquaculture Program.

Your Committee on Ocean Recreation and Marine Resources finds that the aquaculture program has made tremendous growth, and has become an important economic asset for Hawaii. Your Committee further finds that this is an appropriate time to take a closer look at the aquaculture development program to be sure it has been fulfilling its mission and is poised to continue doing so in the future.

This measure requests the Auditor to conduct a management audit of the aquaculture development program, and to submit findings and recommendations to the Legislature.

The Department of Land and Natural Resources, under whose jurisdiction this program resides, offers no specific objection to this audit, but points out that existing records might make an audit unnecessary, and that it will take significant staff time and resources.

As affirmed by the record of votes of the members of your Committee on Ocean Recreation and Marine Resources that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 413 and recommends that it be referred to the Committee on Agriculture.

Signed by all members of the Committee except Representatives Amaral, Hirono and Tajiri.

SCRep. 1365-94 Legislative Management on H.R. No. 334

The purpose of this resolution as received by your Committee is to assist each state agency in assuring the delivery of quality services in a fair and equitable manner.

This measure proposes to accomplish this by requesting the Ombudsman to:

- (1) Disseminate the principles of administrative fairness as defined in H.B. No. 3098, to all state agencies;
- (2) Review a different state agency annually with respect to the agency's adherence to the principles of administrative fairness; and
- (3) Submit reports to the reviewed agency and the Legislature that contain recommendations regarding ways to improve the agency's adherence to the principles of administrative fairness.

The Department of Personnel Services submitted testimony in support of this measure's intent. The Ombudsman submitted comments on this measure.

The Department of Personnel Services suggested that the focus of the measure be redirected to the goal of improving the quality of services delivered to the public by all state agencies, which, by definition would include improvements in administrative fairness.

Accordingly, after free and open discussion, your Committee has amended this measure by replacing its entire contents. Specifically, this measure was amended by inserting language that redirects its focus to improving the quality of services delivered to the public by all state agencies.

As affirmed by the record of votes of the members of your Committee on Legislative Management that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 334, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 334, H.D. 1.

Signed by all members of the Committee except Representatives Apo, Young and Thielen.

SCRep. 1366-94 Legislative Management on H.C.R. No. 412

The purpose of this concurrent resolution as received by your Committee is to assist each state agency in assuring the delivery of quality services in a fair and equitable manner.

This measure proposes to accomplish this by requesting the Ombudsman to:

- (1) Disseminate the principles of administrative fairness as defined in H.B. No. 3098, to all state agencies;